THE COLONIAL RECORDS OF NORTH CAROLINA
[Second Series]

VOLUME V

NORTH CAROLINA HIGHER-COURT MINUTES 1709-1723

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DEPARTMENT OF CULTURAL RESOURCES
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THE COLONIAL RECORDS OF NORTH CAROLINA
[Second Series]

Volume I *North Carolina Charters and Constitutions, 1578-1698*, edited by Mattie Erma Edwards Parker

Volume II *North Carolina Higher-Court Records, 1670-1696*, edited by Mattie Erma Edwards Parker

Volume III *North Carolina Higher-Court Records, 1697-1701*, edited by Mattie Erma Edwards Parker

Volume IV *North Carolina Higher-Court Records, 1702-1708*, edited by William S. Price, Jr.

Volume V *North Carolina Higher-Court Minutes, 1709-1723*, edited by William S. Price, Jr.

Section of a Map of North Carolina by Baron Christopher de Graffenried, 1716

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Introduction to the Volume

THE DOCUMENTS IN THIS VOLUME

This volume contains minutes of the higher courts of the North Carolina colony for the years 1709 through 1723. All of the documents were transcribed from manuscripts held by the Division of Archives and History, Raleigh. No file papers for these sessions of court have been printed here as was done in volumes II through IV in this series. There are several reasons for this decision. In general most official records of North Carolina increase in quantity after 1712. Higher-court minutes, especially after 1715, are fuller in content than those of preceding years. Also, there is a proliferation of file papers after 1712, many of them duplicating information in the minutes and in other supportive papers. Finally, it is not economically possible to print every individual item in the higher-court record holdings of the State Archives.

Most of the manuscripts printed here come from those collections designated CCR 103 through CCR 106. William L. Saunders, editor of the nineteenth century *The Colonial Records of North Carolina*, seems to have had access to CCR 103 and printed most of it. No one who has used Saunders's great ten-volume work would deny its value; however, he was compelled to use a number of part-time copyists in transcribing documents for printing.[1] As might be expected, the quality of their work was uneven. Most of their errors were negligible, but in some cases they were serious. A comparison of the criminal court minutes for 1719 in this volume with those in Saunders's second volume will illustrate the point. Saunders did not print documents from any other collections utilized in this work.

Persons using this volume will note frequent gaps in the records of General Court proceedings until July, 1719. Among the reasons for this situation are the disruptions in the colony caused by the Cary Rebellion, the Tuscarora War, Christopher Gale's struggle to create a stronger chief justiceship, and the lack of a fixed seat of government.[2]

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[1] H. G. Jones, *For History's Sake: The Preservation and Publication of North Carolina History, 1663-1903* (Chapel Hill: University of North Carolina Press, 1966), 218-219, hereinafter cited as Jones, *For History's Sake*.

[2] Jones, *For History's Sake*, 17-18; Mattie Erma Edwards Parker and William S. Price, Jr. (eds.), *The Colonial Records of North Carolina* [*Second Series*] (Raleigh: Division of Archives and History [projected multivolume series, 1963—], IV, xiin, hereinafter cited as Parker and Price, *Colonial Records* [*Second Series*]; Pp. xxi-xxxii, xxxix, 15, below.

Some of those gaps have been filled in this volume by using rough or scratch minutes made by the clerk of court in preparation for writing his smooth or finished minutes. Scratch minutes are not available for every session of court; but when they are, they are located in CCR 189. Any researcher interested in using the file papers supplementing the General Court minutes in this work is directed to the collections designated CCR 139, 149, 150, 188, 191, and 192 located at the State Archives, Raleigh.

Because of a well-preserved collection of minutes bound together as SS 878, there is a full record of Court of Chancery proceedings after 1712. Although there is evidence that admiralty courts met on a sporadic basis during 1709 through 1723, none of them left any minutes.

THE NORTH CAROLINA COLONY, 1709-1723

The combined white and black population of North Carolina in 1710 was 15,120; a decade later it had grown to 21,270. Of this total there were only about 900 Negroes in the colony in 1710, increasing to 3,000 by 1720. In addition to these figures there were over 5,000 Indians dwelling in the coastal region in 1709. More than 80 percent of these were members of the Tuscarora tribe.[1] Much of the increase in the white and black population of the province occurred after 1714. In the three year period following 1711, many settlers left North Carolina because of the Tuscarora War.[2] Bolstering the population prior to those hostilities was the immigration of several hundred German Palatines to the Bath County region. Many of these people were fatalities in the initial actions of the war.

The story of the settlement of large numbers of Germans and Swiss in the area of present Craven County is a complex one. During the spring of 1707, French forces plundered the area of the Lower Palati-

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[1] United States Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1957* (Washington: Government Printing Office, 1961), 756; Douglas L. Rights, *The American Indian in North Carolina* (Durham: Duke University Press, 1947), 45, hereinafter cited as Rights, *American Indian in North Carolina*. Estimates of colonial population must be used cautiously. For specific criticisms of some of the figures relating to North Carolina, see Harry Roy Merrens, *Colonial North Carolina in the Eighteenth Century: A Study in Historical Geography* (Chapel Hill: University of North Carolina Press, 1964), 195-198, hereinafter cited as Merrens, *Colonial North Carolina*.

[2] William L. Saunders (ed.), *The Colonial Records of North Carolina* (Raleigh: State of North Carolina, 10 volumes, 1886-1890), II, 16-18, hereinafter cited as Saunders, *Colonial Records*; Herbert R. Paschal, "Proprietary North Carolina: A Study in Colonial Government" (unpublished doctoral dissertation, University of North Carolina, Chapel Hill, 1961), 454, hereinafter cited as Paschal, "Proprietary North Carolina."

nate in Germany during the War of the Spanish Succession. Then in the winter of 1708/9 unusually harsh weather gripped the region. Many rivers were frozen; and fruit trees and vines, the livelihood of the Palatinate, were ruined. Hoping for a better life, hundreds of Palatines began leaving their homeland for England between May and November, 1709. Because Parliament passed a law in that year for the easy naturalization of foreign Protestants, an estimated 13,000 Germans entered the country over the next two years, most of them from the Lower Palatinate.[3] England soon was faced with the problem of what to do with these people, the majority of whom were destitute. While governmental officials pondered whether or not to send these immigrants to the colonies, the Palatines were placed in temporary, unhealthy structures in England. Often thirty people shared one room.[4]

Seizing the opportunity to populate sparsely settled North Carolina, the Lords Proprietors proposed to sell 10,000 acres between the Neuse and Cape Fear rivers for £10 per thousand acres. They also guaranteed a twelve-year option to purchase an additional 100,000 acres in the area and the title of landgrave in the provincial nobility to anyone purchasing 5,000 or more acres. On August 4, 1709, Baron Christoph von Graffenried of Switzerland paid £50 and assumed his new title.[5] He was a member of the Georg Ritter Company interested in settling European Protestants in the colonies. Partly through Graffenried's efforts, the crown agreed to pay £5 10*s*. each for the transporting of 600 Palatines to North Carolina. The Ritter Company promised to set aside 250 acres for each emigrating family and to provide a year's provisions. Before the end of 1709, Graffenried and his associates began purchasing more land; and by January, 1710, they held 17,500 acres along the Neuse and Trent rivers.[6] During that month about 650 Germans under the guidance of John Lawson sailed from England for North Carolina. After a stormy thirteen-week voyage during which nearly half of the Palatines died, their ships arrived at Hampton, Virginia. Then an overland journey to the Bath County lands ensued. Lawson had not

[3] Walter A. Knittle, *Early Eighteenth Century Palatine Emigration* (Philadelphia: Dorrance and Company, 1937), 1-5; John Lawson, *A New Voyage to Carolina*, edited by Hugh Talmage Lefler (Chapel Hill: University of North Carolina Press, 1967), xxvi, hereinafter cited as Lawson, *New Voyage*.

[4] Lords Commissioners of Trade and Plantations to Earl of Sunderland, May 12, 1709, and Mr. Taylor to Mr. Popple, May 24, 1709, Colonial Office 389/36, photocopies in British Records, State Archives, Division of Archives and History, Raleigh, hereinafter cited as British Records.

[5] Hugh T. Lefler and William S. Powell, *Colonial North Carolina: A History* (New York: Charles Scribner's Sons, 1973), 60-61, hereinafter cited as Lefler and Powell, *Colonial North Carolina*.

[6] Lefler and Powell, *Colonial North Carolina*, 61; Lawson, *New Voyage*, xxvi.

made adequate provisions for food and shelter in the area; and when Graffenried arrived there in September, 1710, with approximately 100 Swiss settlers, conditions were poor. With the addition of Graffenried's colonists, there were nearly 400 Europeans settled near the mouths of the Neuse and Trent. About twenty families inhabited the town called New Bern, and the rest claimed their 250 acres in the surrounding countryside. Within a year the region was progressing steadily, largely through the baron's management.[7]

Most of the white inhabitants of North Carolina resided along the rivers and streams emptying into the Albemarle and Pamlico sounds. The four precincts of the Albemarle region, Chowan, Currituck, Pasquotank, and Perquimans, were older than those of Bath County and were entitled to five representatives each in the General Assembly as opposed to the two allotted to the younger precincts. The three precincts established in Bath County in 1705 as Archdale, Pamptecough, and Wickham at sometime prior to 1712 had their names changed respectively to Craven, Beaufort, and Hyde.[8] In 1722 Bertie Precinct was created out of Chowan and Carteret out of Craven, reflecting the western and southern expansion of the colony after 1714. On October 22, 1722, the General Assembly authorized construction of a courthouse in every precinct and designated the place where each lower court would sit.[9]

Although North Carolina was primarily a rural society, a number of modest towns existed between 1709 and 1723. In March, 1706, the town of Bath had been incorporated in the Pamlico region. By 1709 it contained nearly a dozen houses and fifty to sixty inhabitants.[10] The young town suffered in the Tuscarora War, and in 1714 the Reverend John Urmston said that Bath had only nine houses. However, the situation soon began improving. In August, 1716, the Lords Proprietors designated Bath a port of entry and authorized the establishment of facilities for collecting customs duties. By the 1730s Bath was second

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[7] Lawson, *New Voyage*, xxvi-xxx, 269; Lefler and Powell, *Colonial North Carolina*, 62-64.

[8] Parker and Price, *Colonial Records* [*Second Series*], IV, xiii-xiv.

[9] David Leroy Corbitt, *The Formation of the North Carolina Counties, 1663-1943* (Raleigh: State Department of Archives and History, Revised Edition, 1969), 25, 57; J. R. B. Hathaway (ed.), *North Carolina Historical and Genealogical Register*, II (July, 1901), 428-430, hereinafter cited as Hathaway, *Historical and Genealogical Register*.

[10] Merrens, *Colonial North Carolina*, 154; Charles M. Andrews, *The Colonial Period of American History* (New Haven: Yale University Press, 4 volumes, 1934-1938), III, 258, hereinafter cited as Andrews, *Colonial Period*. For a fuller treatment of the history of the town, see Herbert R. Paschal, *A History of Colonial Bath* (Raleigh: Edwards and Broughton Company, 1955).

only to Edenton as a commercial center; but after 1750, with the growth of New Bern and Wilmington as ports, it declined steadily.[11]

For all practical purposes, the town of New Bern was established by 1710 with the influx of Palatine immigrants there. Graffenried negotiated with the Tuscarora in September, 1711, to spare the infant community; but when he returned from his captivity in November, he found the town deserted. As late as 1718, the colony maintained rangers to patrol the area near New Bern for hostile Indians.[12] Because of these early vicissitudes the town was little more than a village until the 1740s when it began a period of rapid growth. Fewer than twenty lots were occupied in New Bern by 1720; but in 1723, at the urging of the Pollock family, the General Assembly incorporated the town. New Bern began to grow steadily.[13]

The General Assembly also incorporated the town of Beaufort in 1723, although it did not permit it to have its own legislator as other towns had. Beaufort claimed to have sixty inhabitants when the Lords Proprietors made it a port of entry in 1722. Although the town was laid out in 1713, its population remained small. Despite its role as a port and precinct seat of Carteret, Beaufort did not grow. It no doubt failed to develop because it was not part of the overland coastal road linking the other seaports together.[14]

Unquestionably, the most important town (for purposes of this volume) to develop during 1709 through 1723 was Edenton. Because of its proximity to the population center of the colony as well as to Virginia, Edenton grew more rapidly than other North Carolina towns of the period.[15] In July, 1716, the General Court began sitting in Edenton at the courthouse authorized by the General Assembly in 1712. The frame structure was roofed with shingles and plastered inside. Sometime between October, 1722, and July, 1724, a building was erected in Edenton for meetings of the council in executive session and the General Assembly.[16] Although the town would not be given its current name until 1722 (to honor Governor Charles Eden), the first

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[11] Saunders, *Colonial Records*, II, 144, 237; Merrens, *Colonial North Carolina*, 154.

[12] Paschal, "Proprietary North Carolina," 611; Alonzo Thomas Dill, *Governor Tryon and His Palace* (Chapel Hill: University of North Carolina Press, 1955), 48, 51, hereinafter cited as Dill, *Tryon and His Palace*.

[13] Merrens, *Colonial North Carolina*, 149; Paschal, "Proprietary North Carolina," 613; Dill, *Tryon and His Palace*, 55.

[14] Charles L. Paul, "Beaufort, North Carolina: Its Development as a Colonial Town," *North Carolina Historical Review*, XLVII, (October, 1970), 370-373; Merrens, *Colonial North Carolina*, 154-155.

[15] Merrens, *Colonial North Carolina*, 148.

[16] P. 104, below; Paschal, "Proprietary North Carolina," 605-606.

lot was sold in 1715. By the 1730s Edenton had at least sixty houses in it and was the most populous town in the colony. However, as the royal period progressed Edenton would be surpassed by New Bern and Wilmington in both trade and population. Actually, since it was further from the ocean than any other port in the colony and was poorly connected by roads to the rest of the province, it is a testimony to the power of Albemarle leaders that Edenton developed so rapidly and maintained its prominence for so long.[17]

Indian tribes in North Carolina had at least fifteen towns by 1709. Most of these settlements were in the Bath County region and were eradicated during the Tuscarora War. As early as 1676, the North Carolina government had established a reservation by confining the Meherrin Indians to the east bank of the Chowan River. After their final defeat in 1715, the Tuscarora and their allies were granted reservations of nearly 40,000 acres in Bertie Precinct. In April, 1723, the council heard the petition of a surveyor who had laid off 53,000 acres for use by the Tuscarora and Chowan tribes.[18] At the close of the period covered in this volume, the purely Indian population of eastern North Carolina was declining from what it was in 1709.

Several interesting appearances by Indians in higher courts occur in this volume. The Yawpim tribe sued and won a judgment for rent on their land in the March, 1715, Court of Chancery. In August, 1722, a special session of the General Court convened to try an Indian named John Cope for breaking into Thomas Pollock's house.[19] When he testified before the council prior to his trial, Cope said that he was a Christian. In March, 1723, Chief Justice Christopher Gale signed a warrant for the arrest of a white man accused of assaulting a Tuscarora in Bath County.[20] At the March, 1723, civil term of the General Court, John Hitaw, chief of the Chowan, brought a suit and was represented by an attorney.[21]

North Carolina society in 1709 was predominantly agrarian. Unlike its neighboring colonies, North Carolina lacked the harbor facilities to sustain large-scale enterprises. The plantation system was secondary to small farm economy in the province. In addition to the leading commodity exports, tobacco, corn, and wheat, farmers also grew beans and

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[17] Paschal, "Proprietary North Carolina," 604, 606; Merrens, *Colonial North Carolina*, 147-148.

[18] Rights, *American Indian in North Carolina*, 45; Paschal, "Proprietary North Carolina," 476-477; Saunders, *Colonial Records*, II, 485.

[19] Pp. 319-321, below.

[20] Deposition, August 5, 1722, and writ of arrest, March 13, 1722/3, Colonial Court Records, Miscellaneous Papers, 1677-1775, CCR 192, State Archives, Raleigh.

[21] P. 365, below.

peas, chiefly for their own use, but sometimes for export.[22] The subsistence nature of much North Carolina farming sometimes led to the characterization of the colony as poor and desperate. As a general statement, such a representation was unjust. The colony had an abundance of desirable land and an industrious, if small, populace.[23]

What would become an important industry in royal North Carolina was only in its rudimentary stages in 1709. The potential for the colony's production of naval stores had been recognized as early as 1699, but ten years later exports of tar and pitch were small and the product was not of high quality. As late as 1720, North Carolina sent only about 6,000 barrels of tar and pitch to England. With the growth of the Lower Cape Fear region in the 1720s, the naval stores industry would expand rapidly.[24]

Because of its nearly unlimited range, there was a plenitude of hogs, cattle, and horses in North Carolina. The many hardwood forests provided mast for hogs, and there was an abundance of pasturage along streams in the province. The only consistent threat to livestock was from wild animals and Indian raids, but neither of these menaces greatly diminished the rapidly breeding domestic animals. As early as 1673 the General Assembly passed a law regulating the killing of unowned livestock. By 1700 North Carolina was exporting pork, lard, beef, and hides.[25]

Despite the agricultural plenty of the province, there was little individual wealth in North Carolina in 1709. Because of its very abundance, land was cheap. One settler in 1716 who grew his own food said that an income of £40 a year would enable him to live comfortably. Yet the combined effects of the Cary Rebellion and the Tuscarora War had led to inflated prices for many items. In 1717 a settler said that bread and meal which cost 7*s.* in the northern colonies were 40*s.* in North Carolina.[26] The lack of specie and currency in the province necessitated commodity payments which hampered commerce. The chief instruments of barter were corn, pork, pitch, and tar. In 1709 the legal ratio for these commodities was set at £3 provincial to £1 sterling. Yet if there were few men of substance, there were few paupers either. The average diet consisted chiefly of salt pork, a little beef, bread made

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[22] Lewis Cecil Gray, *History of Agriculture in the Southern United States to 1860* (Washington: Carnegie Institution of Washington, 2 volumes, 1933), I, 44-46, hereinafter cited as Gray, *History of Agriculture*; Merrens, *Colonial North Carolina*, 110-111, 120-121.

[23] Merrens, *Colonial North Carolina*, 33.

[24] Gray, *History of Agriculture*, I, 154-155, 157.

[25] Gray, *History of Agriculture*, I, 138-140.

[26] Saunders, *Colonial Records*, II, 249, 287.

from corn, and garden vegetables. If this regimen offered little variation, it was abundant nevertheless.[27] There was a school operating in Pasquotank Precinct in 1709, and court records contain occasional references to masters being required to teach indentured servants to read.[28]

An election law passed in 1715 confirmed what had been practiced without break since 1691. All freemen could vote unrestricted by property qualifications. The only requirements for the franchise were that the voter be a white male twenty-one or older who had been a resident of the colony for one year and had paid the poll tax levy prior to the election. The General Assembly designated polling places in every precinct in 1715.[29]

While most North Carolina colonists were not formally affiliated with a church in 1709, the religious composition of the province was varied. Around 1705 a small number of Huguenots settled in Bath County where they tended their farms peacefully. There was another group of dissenters whom one writer had characterized as "something like Presbyterians" in 1704. While this sect was small, it tended to support the largest number of dissenters in the colony, the Quakers; and together they obstructed Anglican efforts at establishment. An Anglican writer in 1709 estimated that adherents of the Society of Friends comprised about a tenth of the whole population, and Quakers held many posts in the government of the province.[30] They were concentrated in Perquimans and Pasquotank precincts but probably did not form a majority in either. One writer in 1709 listed the following figures for Pasquotank: 900 Anglicans, 210 Quakers, 211 Negroes, and 11 people without religious affiliation.[31]

Adherents of the Church of England outnumbered dissenters, but they varied in their degree of toleration. Some Anglicans wanted to exclude dissenters from public office and provide tax support for the Church of England while others favored religious freedom and no church establishment. From 1704 through 1708 intolerant Anglicans controlled the executive and legislative machinery of the colony and excluded many dissenters from government. The turmoil generated by this situation would culminate in the Cary Rebellion.[32] The biggest

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[27] Saunders, *Colonial Records*, I, 711-715.

[28] Herbert R. Paschal, "Charles Griffin: Schoolmaster to the Southern Frontier," *East Carolina College Publications in History* (Greenville: East Carolina College, 1965), II, 3; P. 138, below.

[29] Paschal, "Proprietary North Carolina," 287, 289.

[30] Saunders, *Colonial Records*, I, 602, 711.

[31] Saunders, *Colonial Records*, I, 720.

[32] Parker and Price, *Colonial Records* [*Second Series*], IV, xxv-xxx.

problem facing Anglicans in North Carolina was the lack of ministers. In 1717 there was only one missionary of the Society for the Propagation of the Gospel in Foreign Parts (SPG) in the colony. Most precincts had lay readers conduct their services. At the heart of the problem was the remoteness of the inhabitants from each other. Without a concentration of people, it was difficult to support a church.[33]

Because of the hostility generated between Anglicans and Quakers prior to and during the period of the Cary Rebellion, many Friends refused to support the Tuscarora War either by bearing arms or through financial aid. Although Quaker prohibitions against violence were a factor, Thomas Pollock reported in 1713 that during the war effort the least cooperative Friends were those who had actively borne arms in the Cary Rebellion. However, a year later Pollock wrote that Quakers had been very helpful in the final stages of the fighting, especially in providing supplies.[34] Despite passage of a vestry act establishing support for the Church of England in 1715, Anglicans and Friends reached a compromise. The same legislature enacted a measure providing liberty of conscience for dissenters and permitting Quakers to affirm rather than swear in courts of law but not in positions of public trust.[35]

During the initial years covered by this volume, North Carolina trade was slumping. Tobacco prices declined in the southern colonies generally because of the disruption of transatlantic commerce resulting from Queen Anne's War (1702-1713). While the Cary Rebellion had not caused many physical casualties in North Carolina, it had forced some farmers to neglect their crops for a three-year period beginning in 1708. The Tuscarora War very nearly halted trade during its peak, and a yellow fever outbreak occurred during the summers of 1711 and 1712.[36] Thomas Pollock said in 1712 that no grain and little pork had been exported in two years as the colony struggled to supply its own needs. In 1702 Great Britain had imported 2,724 beaver skins from Carolina (a trade centered chiefly in North Carolina); by 1711 that figure had dropped to a negligible 36 pelts.[37] Yet even in the worst years, 1711 through 1713, commerce did not cease. There were ship-

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[33] Saunders, *Colonial Records*, II, 126, 270, 273.

[34] Saunders, *Colonial Records*, II, 39-40, 145; Paschal, "Proprietary North Carolina," 450.

[35] Walter Clark (ed.), *The State Records of North Carolina* (Winston and Goldsboro: State of North Carolina, 16 volumes, numbered XI-XXVI, 1895-1907), XXIII, 6-11, hereinafter cited as Clark, *State Records*; Paschal, "Proprietary North Carolina," 296.

[36] Parker and Price, *Colonial Records* [*Second Series*], IV, xix; Andrews, *Colonial Period*, III, 263, 265.

[37] Saunders, *Colonial Records*, I, 873-874; Verner W. Crane, *The Southern Frontier, 1670-1732* (Ann Arbor: University of Michigan Press, Second Edition, 1956), 111n, hereinafter cited as Crane, *Southern Frontier*.

ments of pork and skins to merchants in Virginia and Massachusetts during that time.[38] By 1714 there was a sizable increase in the number of New England vessels docking in North Carolina ports as trade increased after the war.[39]

While shipborne commerce grew after 1714, the Indian trade declined. The London-based New Pennsylvania Company, which figured so prominently in North Carolina higher-court litigations during 1702 through 1708,[40] showed little interest in sending out agents once civil turmoil began sweeping over the province in 1709. Then with the devastation of Bath County, in which the commerce had been centered, the Tuscarora War dealt a crippling blow to the Indian trade in eastern North Carolina. Western tribes like the Catawba and Cherokee continued to deal with South Carolina traders as they had done in the past.[41] In fact the governmental leaders of North Carolina, chiefly men from the Albemarle region, showed little interest in developing Indian trade. To a certain extent they accepted Indian complaints about the deceitful practices of white traders as a cause of the Tuscarora War. On the other hand they recognized the role the traffic had played in the expansion of Bath County. In 1715 the General Assembly renewed a previous statute which prohibited strangers from engaging in commerce with Indians.[42]

The development of trade in North Carolina was hampered by poor transportation. In 1709 most travel in the colony was by water due to a lack of roads. What thoroughfares existed were marked by holes, those in Perquimans and Pasquotank precincts being especially bad.[43] Despite the fact that North Carolina had more miles of inland waterway than any other colony in British North America, the inadequacy of roads hampered the development of ferries. There was only one such raft in the province in 1700, but a decade later at least three ferries operated between New Bern and Albemarle Sound. By the 1720s there were numerous ferries in the northeastern precincts. At the close of

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[38]Clearance form, July 24, 1711, Treasurer's and Comptroller's Papers, Ports, Port Roanoke, Customs House Papers, 1682-1760, State Archives, Raleigh; Receipt from Jonathan Mountfort to John Worley, May 5, 1713, and bills of debt from Boston merchants, July 19, 1711, October 18, 1711, January 16, 1711/2, Colonial Court Records, Jury Papers, Letters, Notes, and Receipts, 1676-1760, CCR 188, State Archives, Raleigh, hereinafter cited as CCR 188.

[39] Saunders, *Colonial Records*, II, 132.

[40] Parker and Price, *Colonial Records* [*Second Series*], IV, xxi-xxii.

[41] Crane, *Southern Frontier*, 157-158.

[42] Andrews, *Colonial Period*, III, 208n, 264; Clark, *State Records*, XXIII, 1-3.

[43] F. W. Clonts, "Travel and Transportation in Colonial North Carolina," *North Carolina Historical Review*, III (January, 1926), 16, hereinafter cited as Clonts, "Travel and Transportation;" Saunders, *Colonial Records*, II, 711-712.

the proprietary period, most North Carolina travel was horseborne although it was impractical to haul heavy loads overland.[44]

One factor influencing the development of North Carolina from 1709 through 1723 was proprietary land policy. In March, 1709, the Lords Proprietors ordered the governor and council of the colony not to permit any sale of land over 640 acres to an individual. Then in November, alarmed by continuing reports of abuses in land purchases, the proprietors prohibited any further sales or grants in Carolina except upon direct application to their offices in London.[45] This action created a furor in both colonies, and in 1712 the proprietors consented to permit land sales for a seven-year period at the rate of £20 sterling per 1,000 acres with an annual quitrent of 10*d.* per 100 acres. Again, no individual could purchase more than 640 acres.[46]

On April 14, 1713, Daniel Richardson took his oaths before the council as receiver general of North Carolina. He noted that large tracts of land had been occupied in Bath County without any payment to the Lords Proprietors. All such lands for which the purchase price was not paid by December 25 would be subject to sale. Likewise any land surveyed for sale must be paid for within six months of the survey or be open to purchase again. To soften the effect of Richardson's orders, the council ruled that commodities could be used to pay quitrents. Still, the proprietors were dissatisfied; and in July, 1716, they banned any further land sales in North Carolina. Henceforth, people wishing to acquire land in the colony could do so only by purchase in London or by obtaining headright grants.[47]

The question of quitrents was closely related to that of land policy. In February, 1715, Daniel Richardson reported quitrent collections of £1,102 7*s.* 10½*d.* He disbursed all of it in salaries to provincial officials, including £300 to the governor. This pattern prevailed throughout the proprietary period. Whatever quitrents were collected in a given year were exhausted in paying the provincial civil list.[48] When the Lords Proprietors in 1716 ordered that quitrents be paid only in sterling or in produce at the value of sterling, the council instructed Richardson not to attempt to collect any arrears from the poor because of the hard-

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[44] Alan D. Watson, "The Ferry in Colonial North Carolina: A Vital Link in Transportation," *North Carolina Historical Review*, LI (July, 1974), 247; Clonts, "Travel and Transportation," 34-35.

[45] Saunders, *Colonial Records*, I, 705-706; Paschal, "Proprietary North Carolina," 426.

[46] Saunders, *Colonial Records*, I, 832.

[47] Saunders, *Colonial Records*, II, 33-34; Paschal, "Proprietary North Carolina," 427, 429.

[48] Saunders, *Colonial Records*, II, 168-170; Paschal, "Proprietary North Carolina," 274.

ship this procedure would entail.[49] The lack of specie or of a stable currency made payment of quitrents difficult throughout the colony's history, but British officials generally were unsympathetic to pleas to accept commodity payments. Within the province itself though, proprietary officials usually accepted such remittances for taxes.[50]

In 1717 Thomas Pollock estimated the public debt of North Carolina at £16,000 or £8 each for the 2,000 tithables in the colony.[51] The two chief levies within the province were a poll tax and one on land. In Currituck Precinct (one of the least populous) in 1718 the tax collector took £224, £165 as poll and £59 as land taxes. The following year he gathered a total of £308. The collector for Pasquotank Precinct took £569 (£440 poll, £129 land) in 1718. All of these officials were authorized to accept payments in pork, beef, corn, wheat, pitch, tar, and tobacco when necessary.[52]

Another of the persistent problems for North Carolina during 1709 through 1723 was its boundary dispute with Virginia. This controversy was an old one having its origins in the second charter of 1665 to the Lords Proprietors. Indeed, the matter would not be settled until the close of the proprietary period. Attempts were made to mark the boundary when the proprietors named John Lawson and Edward Moseley as their surveyors in March, 1709. These men were to join a group from Virginia to run a line satisfactory to all concerned parties. When commissioners from the two colonies met in August, 1710, to begin work, Edward Moseley raised frequent objections to procedures and instruments and shortly returned to his home.[53] The representatives from Virginia accused Moseley of sabotage because he held patents on much land in the disputed area. They wanted to proceed without him; however, the North Carolinian was ultimately vindicated when the Virginians' quadrant was found to have a half degree error in favor of their colony. Other immediate efforts were foiled by the Tuscarora War, and in 1714 both provinces agreed to prohibit settlement in the disputed area until a survey could be made. Yet by 1722 settlers had begun squatting in the region again. Largely because of lethargy in London, the final survey was not begun until 1728.[54]

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[49] Saunders, *Colonial Records*, II, 250.

[50] Coralie Parker, *The History of Taxation in North Carolina during the Colonial Period, 1663-1776* (New York: Columbia University Press, 1928), 98-100, 126-127.

[51] Saunders, *Colonial Records*, II, 295-296.

[52] Edward Moseley to Augustine Scarborough, February 1, 1713/4, Currituck Precinct Treasurer's account, 1718-1719, and Pasquotank Precinct Treasurer's account, 1718, Colonial Court Records, Taxes and Accounts, 1679-1754, CCR 190, State Archives, Raleigh.

[53] Saunders, *Colonial Records*, I, 703, 738.

[54] Paschal, "Proprietary North Carolina," 578-579, 585.

THE CARY REBELLION

Thomas Cary served as chief executive of North Carolina from March, 1705, until October, 1707, and from October, 1708, until about January, 1711. A South Carolina merchant, Cary had become embroiled in the disputes between intolerant Anglicans and dissenters during his governorship. In the course of his second term of service, he identified himself with the interests of Bath County residents and dissenters as opposed to established Albemarle politicians. When Edward Hyde succeeded him as chief executive early in 1711, Cary withdrew to Bath. At a General Assembly meeting in March, Hyde called for harsh legislation against dissenters as well as the arrest of Cary and John Porter. Cary rallied his supporters to resist, and the rebellion which took his name was under way.[1]

Previous historians have noted such factors as the Anglican-dissenter struggle, a war in Europe, and falling tobacco prices as generators of an overall tension in the colony during the first decade of the eighteenth century. However, they have not pointed out one of the prime ingredients in the uneasiness felt by the political and social elite of the province—the growth of Bath County. Although the Cary Rebellion would be described as a struggle between Anglicans and dissenters in nearly all contemporary treatments of the event, it is noteworthy that the majority of the leaders in the rebellion were from Bath County while most principal figures in opposition were from the older northern precincts. Among those young men who were seeking a larger role in the political life of the colony, many who did not reside in the southern precincts had sizable interests in the Indian trade based there. Recognition of the conflicts between mature and new, established and aspirant, may be guides to solving some of the enigmas surrounding the Cary Rebellion.

While Cary's base was in Bath, the southern region of the colony was not exclusively in his control. Baron Graffenried's settlement of German and Swiss Palatines in and around New Bern supported Governor Edward Hyde. Although Graffenried was reluctant to engage in any conflict, he believed that Hyde had the proprietors' confidence, and that fact decided the baron's course of action.[2]

On May 27, 1711, Hyde marched on the Pamlico region with a force of 150 men to seize Cary. The rebel leader barricaded himself in his

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[1] Parker and Price, *Colonial Records* [*Second Series*], IV, xxiv-xxx.

[2] Vincent H. Todd (ed.), *Christoph Von Graffenried's Account of the Founding of New Bern* (Raleigh: Edwards and Broughton Printing Company, 1920), 72-73, hereinafter cited as Todd, *Graffenried's Account*. While Graffenried himself cooperated actively with Governor Hyde in suppressing the rebellion, there is no indication that his settlers participated to any large degree.

house with five pieces of artillery and about forty men. Faced with such firepower when he had no cannon, Hyde made only a half-hearted attempt at an engagement in which one man was killed and then returned northward on June 1.[3] Filled with confidence, Cary outfitted a brigantine and sailed for Albemarle Sound in mid-June to overthrow the government. Hyde and the council were meeting at Thomas Pollock's plantation on the Chowan River when Cary anchored near the house around June 29. At this point, Governor Alexander Spotswood of Virginia offered his services as a mediator between the rivals, but Cary refused.[4] Hyde and his supporters, numbering about sixty men, then fortified themselves with two cannons; and on June 30, Cary's brigantine began to bombard Pollock's house. In the ensuing exchange of fire, Hyde's artillery shot off one of the brigantine's masts. Cary then attempted to land a shore party in two barks, but it was repulsed.[5]

At the request of Hyde and the council, Governor Spotswood sent a military force into North Carolina early in July. By July 17, Cary's men had been routed, his brigantine of twelve to fourteen guns seized, and he and his lieutenants forced to flee into Virginia.[6] Late in July, Spotswood found Cary and some of his allies among the Kiquotan Indians near the James River and sent them to England to stand trial before the Lords Proprietors.[7]

Cary, Collingwood Ward, Levi Truewhitt, George Lumley, and Edmund Porter (brother of John) arrived in England in September and faced the proprietors on November 20, 1711.[8] Hearings on the rebellion continued intermittently for nearly a year, but the proprietors finally freed all five men without prescribing any punishments for them after the Privy Council expressed its displeasure that the men were being detained for so long.[9] Why the board chose not to punish the rebels is

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[3] Saunders, *Colonial Records*, I, 803-804.

[4] Todd, *Graffenried's Account*, 231; Saunders, *Colonial Records*, I, 758-759, 802.

[5] Todd, *Graffenried's Account*, 231. John Urmston hinted in July, 1711, that some of Cary's armament may have been furnished by one of the proprietors, John Danson. See Saunders, *Colonial Records*, I, 774.

[6] One local historian says that Alexander Spotswood's proclamation calling for the arrest of the Cary rebels who had fled into Virginia reads like a "Who's Who" for Bath County. See C. Wingate Reed, *Beaufort County* (Raleigh: Edwards and Broughton Company, 1962), 63.

[7] Saunders, *Colonial Records*, I, 773-775, 800. In 1710 the proprietors had been reluctant to settle the dispute between Cary and William Glover over presidency of the colony. See Saunders, *Colonial Records*, I, 724.

[8] Saunders, *Colonial Records*, I, 819; Matthew Teate to Josiah Burchett, September 21, 1711, Admiralty 1/2574, photocopy in British Records. All of these men were residents of Bath County. John Porter had apparently fled safely to England. See Saunders, *Colonial Records*, I, 807.

[9] Saunders, *Colonial Records*, I, 868; Minute books of the Carolina proprietors, November 8, 1712, microfilm copy of Colonial Office 5/290, British Public Record

unclear. There are no detailed records of the hearings, but given the extremely confused situation surrounding the executive office in North Carolina from 1707 through 1711, it is not unlikely that the proprietors were susceptible to Cary's claims of extenuating circumstances. Although they did not pardon him or his associates, the proprietors may have felt that the men had suffered enough already. More importantly, no representative of Hyde's government ever journeyed to London to press charges against the rebels.[10] When Cary returned to North Carolina in the spring of 1713, the Lords Proprietors ordered that no local charges could be brought against him or his confederates until an investigation of the uprising had been made by former governor of Virginia, Francis Nicholson, who held commissions to investigate disorders in a number of colonies (primarily northern) in 1713.[11] As late as September there was concern among Albemarle leaders that Cary might head a new faction in Bath County opposed to the government.[12]

In North Carolina one of the major grievances of Quakers in the rebellion was rectified as early as October, 1711, when two members of the sect were allowed to prove a letter of attorney in the General Court without swearing.[13] On July 31, 1712, Hyde and the council pardoned all rebels except Cary, Emanuell Low, John and Edmund Porter, and William Tillett.[14] The Tuscarora War had acted as a catalyst in the healing of old wounds.

Anyone studying the Cary Rebellion soon realizes that he must rely on sources which are anti-Cary. The major recorders of the events, William Gordon and John Urmston of the SPG, Thomas Pollock and Baron Graffenried of Hyde's council, and Alexander Spotswood of Virginia, all had various reasons to despise Cary and his followers. Their accounts are colored by those hatreds. These men chose to portray the struggle primarily as one between Anglicans and dissenters in which Cary accepted leadership in the hope of regaining the executive

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Office, London, in Colonial Records Branch, Historical Publications Section, Raleigh, hereinafter cited as CO 5/290 film.

[10] November 8, 1712, CO 5/290 film. The proprietors noted in their order that Cary and his allies had been separated from their families in North Carolina for fourteen months.

[11] Saunders, *Colonial Records*, II, 53, 56; Allen Johnson, Dumas Malone, and others (eds.), *Dictionary of American Biography* (New York: Charles Scribner's Sons, 20 volumes, 1928; index and updating supplements), XIII, 501. Nicholson never entered North Carolina.

[12] Saunders, *Colonial Records*, II, 61.

[13] P. 16, below.

[14] Saunders, *Colonial Records*, I, 864. William Tillett had been an early settler of Bath County. Emanuell Low, a Bath resident and Cary's secretary, was charged with treason in the July, 1712, General Court. However, the charge was dropped eventually on orders from the Privy Council. See pp. 28-29, below.

office. However, there are more complex factors involved which are obscured by a paucity of documentation.

It seems likely that much of the Anglican-oriented legislation in North Carolina was a reflection of similar measures in South Carolina. Likewise in England, Queen Anne's reign, which began in 1702, was a period of Anglican ascendancy. When one considers that in the year 1703 North Carolina was ruled by a pyramid of leaders attached to the Church of England (beginning with Deputy Governor Robert Daniel, topped by Governor Sir Nathaniel Johnson in Charleston, and crowned by Palatine Baron Granville in London), there can be little doubt that schemes originating outside the colony affected policies within it. North Carolina, unlike its neighboring province to the south, never proved to be noteworthy where church construction or provisions for the clergy were concerned (even when allowances are made for South Carolina's greater wealth), so one must look skeptically upon devotion to Anglican establishment as a claim for certain anti-Cary leaders like William Glover and Thomas Pollock. Still, considering the proximity of the religious struggle in South Carolina, the rise of Anglicanism under Anne, and Quaker strength in the North Carolina legislature, the move to expand the established church to the detriment of dissenters undeniably existed in the province and was a factor in the rebellion.[15]

Within the colony lines between dissenters and Anglicans were blurred and poorly defined. Leading figures among the Cary allies were not dissenters; in fact, Edward Moseley was an Anglican and John Porter and Thomas Cary almost certainly were not Quakers—may even have been Anglicans. Although he resided in the colony during part of the rebellion, Robert Daniel, who had shown so much support for the Church of England in South Carolina, apparently was not an active ally of anti-Cary forces. Finally, the Swiss and German settlers at New Bern, dissenters themselves, supported Edward Hyde. Therefore, a simplistic explanation of the Cary Rebellion as a struggle between Anglicans and dissenters is inadequate.

Certainly, the factors pointed out earlier in this discussion contributed in large measure to the rebellion. Bath County was growing in population and demanding a larger voice in government against the nearly four decades of Albemarle control. Thomas Cary's home was in Bath, and most of his allies were there. The Indian trade, based in the southern precincts, was growing at a time when northern tobacco markets were depressed. Surely, certain longtime Albemarle residents saw the development to the south and recognized its potential as a menace to their political dominance.

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[15] Parker and Price, *Colonial Records* [*Second Series*], IV, xxiv-xxvii.

Finally, the infusion of ambitious, talented young men into the colony was a catalyst for rebellion. Newer settlers like Edward Moseley[16] and Thomas Cary could see that the Swanns, Pollocks, and Glovers, with their longtime service on the council and friends in the assembly, were the real powers in the colony rather than a novice deputy governor dispatched from Charleston. Allying with dissenters and other disgruntled colonists, these newcomers demanded a larger role in government. As they grew in wealth and social prominence, these men claimed the place in politics which they believed was due them. When the old order either impeded their progress or denied them access to political power, tempers flared and the Cary Rebellion caught fire.

THE TUSCARORA WAR AND ITS EFFECTS

Within two months of the defeat of Cary's rebels, the North Carolina colony was plunged into the most trying ordeal of its existence. The disunity and bitterness growing out of the rebellion led some Albemarle leaders to declare that Cary's supporters had incited the Indians to attack, but there was little justification for such a charge.[1] After all, the area which suffered most severely in the war was Cary's own stronghold, Bath County. The Tuscarora and their allies had ample cause to despise settlers without being incited by malcontents. For years they had been cheated by white traders; and with the rapid spread of colonists onto their Neuse River lands after 1710, they were only waiting for the right moment to strike. Seeing the weakness of the province after the Cary Rebellion, the southern Tuscarora moved swiftly to attack.[2]

On September 22, 1711, the Indians swept down on white settlements along the Neuse and Pamlico rivers. In three days about 500 warriors from the Core, Pamlico, Machapunga, and Bear tribes under Chief Hancock and his Tuscarora killed at least 150 colonists, drove off livestock, and devastated farms in the Bath County region.[3] Governor Hyde attempted to rally forces in Albemarle to aid the southern settle-

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[16] Thomas Pollock writing to Governor Charles Craven of South Carolina on February 20, 1712/3, said of Moseley: ". . . I know he was the chief contriver and carry-er on of Col. Cary's rebellion. . . ." Saunders, *Colonial Records*, II, 20.

[1] Saunders, *Colonial Records*, I, 802; Andrews, *Colonial Period*, III, 264.

[2] Lefler and Powell, *Colonial North Carolina*, 67-68; R.D.W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth* (Chicago: American Historical Society, Incorporated, 4 volumes, 1929), I, 125, hereinafter cited as Connor, *North Carolina*.

[3] Rights, *American Indian in North Carolina*, 51; Paschal, "Proprietary North Carolina," 448; Connor, *North Carolina*, I, 125.

ments, but the legacy of bitterness left over from the Cary Rebellion impeded his efforts. By mid-October Thomas Pollock as major general of the North Carolina militia had mustered 150 men and proposed a southern expedition to join with 50 to 60 men in the Bath area under William Brice. The combined force would attack the Tuscarora strongholds on Contentnea Creek, but due to logistical problems the plan was never executed.[4] Faced with the refusal by a large proportion of the Quaker population either to bear arms or lend their own weapons to others, North Carolina sent out urgent pleas for assistance to Virginia and South Carolina. Governor Spotswood, confronted with factionalism in Virginia, offered no troops but did make a modest loan of clothing. South Carolina, by contrast, appropriated £4,000 to aid the struggle and began immediate efforts to raise an army to go to its fellow colony. An experienced Indian fighter, John Barnwell, was chosen commander.[5]

In January, 1712, Barnwell with 33 mounted South Carolinians and 495 Indian allies (mostly Yamasee and Catawba) entered North Carolina. Arriving at the mouth of the Neuse on January 29, the commander began marching up the river to attack Tuscarora citadels. By late February he had decimated a chain of nine enemy forts, burned half a dozen Indian towns, and destroyed 2,000 bushels of corn.[6] On February 27, 1711/2, sixty-seven North Carolina militiamen joined Barnwell's army for an attack on Hancock's Fort, the leading Tuscarora stronghold. After a brief engagement, a temporary truce was signed and the Indians released nearly fifty black and white prisoners from the fort. Barnwell then returned to New Bern to regroup where he was joined on April 1 by seventy North Carolina militiamen and some Chowan allies under Thomas Boyd.[7] Six day later, Barnwell began a siege of Hancock's Fort with 153 whites and 128 Indians. After several engagements over a ten-day period, the South Carolinian signed a truce. With his provisions dwindling rapidly, Barnwell seized the chance to secure the release of the remaining white and black prisoners and then with-

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[4] Saunders, *Colonial Records*, I, 810-811; Paschal, "Proprietary North Carolina," 449. For some of the gunpowder, shot, and flint gathered in anticipation of this expedition, see John Hecklefield's receipt, October 14, 1711, CCR 188.

[5] Paschal, "Proprietary North Carolina," 450; Saunders, *Colonial Records*, II, 79; Crane, *Southern Frontier*, 158-159. One historian has suggested that South Carolina may have entered the war so readily in the hope of gathering Indian slaves. See Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (Englewood Cliffs: Prentice-Hall, Incorporated, 1974), 147.

[6] Rights, *American Indian in North Carolina*, 54-55; Paschal, "Proprietary North Carolina," 451; Lefler and Powell, *Colonial North Carolina*, 74.

[7] Paschal, "Proprietary North Carolina," 452; Lefler and Powell, *Colonial North Carolina*, 75.

drew. Both Hyde and Spotswood denounced the truce, since it spared the Tuscarora. Barnwell had become unpopular with the Albemarle leadership because of his open criticism of them and his personal association with Edward Moseley.[8]

Although he lacked diplomacy, many of Barnwell's complaints were justified. Throughout the journal which he kept in the campaign, Barnwell noted the repeated failure of the North Carolina government to supply him adequately. He contended that with provisions for only four days more he could have reduced Hancock's Fort completely, but the two supply sloops sent from Albemarle were not sufficient. By the end of June, 1712, Barnwell had returned to South Carolina, and that summer the Indians renewed their attacks.[9]

Again the North Carolina government appealed to its neighboring colony for aid. While South Carolina gathered an army to send northward, North Carolina suffered. Indicative of the state of war was the proliferation of military titles among members of the General Court which met in July, 1712.[10] Governor Hyde issued an order in August for all militiamen in Pasquotank Precinct to muster for his personal review. He would then select men to accompany him on an expedition to Bath County. Each man was to have ten-day's worth of bread or flour with him.[11] However, these troops never marched in spite of increasing Indian activity. Yellow fever struck the Albemarle region in late summer, and Governor Hyde was among its victims. Thomas Pollock, upon being elected president of the council, assumed leadership of the colony on September 12, 1712, four days after Hyde's death.[12]

In November, 1712, 33 South Carolinians with nearly 1,000 Indian allies marched northward under the command of James Moore. The burden of provisioning these troops fell on North Carolina, and the government imposed a levy of £5 and six bushels of corn on every tithable and a fourth of the wheat crop on each farm. Moore had hoped to move against the Tuscarora in the spring; but fearing desertion and exhaustion of supplies, he marched from Albemarle southward on January 17, 1712/3. Accompanying him were seventy to eighty North

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[8] Paschal, "Proprietary North Carolina," 453; Lefler and Powell, *Colonial North Carolina*, 76; Crane, *Southern Frontier*, 160-161. No longer a deputy of the governor at Charleston, Edward Hyde had received his commission as governor of North Carolina on May 9, 1712. See Saunders, *Colonial Records*, I, 841-842.

[9] John Barnwell, "Journal of John Barnwell," *Virginia Magazine of History and Biography*, VI (January, 1899), 50-52; Lefler and Powell, *Colonial North Carolina*, 77-78.

[10] P. 19, below.

[11] Hathaway, *Historical and Genealogical Register*, I (July, 1900), 438-439.

[12] Saunders, *Colonial Records*, I, 869, 873-874; Connor, *North Carolina*, I, 126.

Carolina volunteers under William Maule.[13] In fact many colonists complained that Moore's troops were eating too much of their corn and cattle and urged them to get under way. Pollock and the council provided the army with 2,200 bushels of corn gathered by levy, and they placed an embargo on all vessels in the colony until another 2,000 bushels of corn and 100 barrels of pork were raised in February. To transport these provisions to Bath County virtually every boat in the colony was pressed into service.[14] Considering the problems in North Carolina during the previous five years, Pollock had rallied his settlers to accomplish a considerable feat of logistics. Further evidence of the improved organization of the colony was the higher-court prosecution of men who refused to serve in the war.[15] The government would have been incapable of such legal action in the early stages of the fighting.

Numerous receipts for the collection of corn to feed Moore's troops testify to the increased efficiency of Pollock's government. One of the sloops outfitted to supply the army in March, 1713, was loaded with 878½ bushels of corn, 10 barrels of beef, 27 barrels of pork, 313 pounds of bacon, 43½ pounds of gunpowder, a hogshead of tobacco, 46 pounds of lead, and 40 pounds of shot.[16] At the same time Pollock announced a public reserve of 800 bushels of corn and 32 barrels of meat available for use by the troops.[17]

To finance the war the General Assembly authorized the colony's first currency issue in 1712. Public bills of credit were emitted in the amount of £4,000. The following year another £8,000 was issued, and in 1714 the General Assembly authorized £24,000. These emissions were to be financed by increased poll and land taxes.[18] Again the war had compelled the leadership of the colony to undertake measures it had avoided in the past.

On March 20, 1713, Moore launched a general assault on the Tuscarora fort at Nohoroco in present Greene County. In three days of fighting his army killed, wounded, or captured nearly 950 Tuscarora inside and outside the fort. Moore listed his own casualties as twenty-two whites killed, thirty-six wounded; he lost thirty-five Indian allies killed, fifty-eight wounded. The strength of the Tuscarora was forever

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[13] Lefler and Powell, *Colonial North Carolina*, 78; Paschal, "Proprietary North Carolina," 457-458.

[14] Saunders, *Colonial Records*, II, 4, 19-20; Paschal, "Proprietary North Carolina," 458.

[15] P. 67, below.

[16] Receipts dated December 29, 30, 31, 1712, and account, March 27, 1713, Albemarle County Papers, 1678-1714, CR 2.001, State Archives, Raleigh, hereinafter cited as CR 2.001.

[17] Saunders, *Colonial Records*, II, 28.

[18] Paschal, "Proprietary North Carolina," 370, 382, 384.

broken in the colony.[19] Fortunately for the white settlers, the northern towns of the Tuscarora under Chief Tom Blount remained neutral during the fighting. His men captured Hancock when he had escaped from Barnwell the previous year and turned him over to North Carolina authorities. In mid-April the colony signed a truce with Blount in which he agreed to return all prisoners and property taken by the Tuscarora in the war. A large part of the southern branch of the tribe left North Carolina for New York where it became the sixth nation of the Iroquois Confederacy around 1722. In 1802 the remaining North Carolina Tuscarora would join their brothers in New York.[20]

Although the major Indian threat had been crushed at Nohoroco, hostile raids on white settlements continued as late as 1718. Despite the truce with the Tuscarora the smaller tribes remained warlike, especially the Core, Pamlico, and Machapunga. In April, 1713, about fifty of those Indians fell on colonists along the Alligator River and killed or captured nearly twenty of them.[21] By staying on the move, the Indians avoided a pitched battle and were able to hide in swamps to foil pursuit. In the summer of 1714 one colonist complained that such tactics had caused more damage than the Tuscarora War. On February 11, 1714/5, the North Carolina council signed a treaty with the Core thereby reducing the last sizable hostile force. However, the tribe revolted in September, and the colony sent out ten rangers and a force of Indian allies to subdue them.[22] There was hostile activity in 1716; and as late as October, 1718, the General Court was disrupted by the threat of Indian attacks.[23]

On May 28, 1714, Charles Eden presented his commission as governor of North Carolina to the council and took the proper oaths. Despite the plight of the colony since 1708, Eden was only one of several candidates who had appeared before the proprietors after Hyde's death to seek the governorship.[24] In replacing Thomas Pollock, who had been a major figure in the Cary Rebellion, the new governor hastened the internal healing process of the colony. Pollock, however, had done a superb job of administering the province and organizing its defense after the death of Hyde.

By 1715 when most hostilities had effectively ended, it was clear that the destruction in North Carolina had been immense. Bath County had

[19] Lefler and Powell, *Colonial North Carolina*, 78; Paschal, "Proprietary North Carolina," 459-460; Saunders, *Colonial Records*, II, 27.

[20] Lefler and Powell, *Colonial North Carolina*, 77, 79; Rights, *American Indian in North Carolina*, 51, 59.

[21] Saunders, *Colonial Records*, II, 31, 38-40.

[22] Saunders, *Colonial Records*, II, 74, 168-170, 200.

[23] Saunders, *Colonial Records*, II, 246; Pp. 124, 188-189, below.

[24] Saunders, *Colonial Records*, II, 129; Paschal, "Proprietary North Carolina," 186.

been devastated; all of its livestock had been killed or driven off and little planting had been done. Commerce in the northern precincts had nearly ceased, and the tax burden to support the war had rested there largely. As late as November, 1716, the council had to block grain exports due to scarcity within the colony.[25] Because of the destruction in Bath County, the threat which it posed to Albemarle leadership during the Cary Rebellion was eliminated. Not until the 1740s would the northern leadership of the colony again be seriously challenged.

Tempered by the fires of war, North Carolina gained a resilience it had not possessed before. After 1715 there was never another massive Indian threat to the colony nor any major civil disorder until the late 1750s. The area between the Neuse and Cape Fear rivers was opened to settlement and would begin to fill up gradually but ever increasingly.[26] Confronted with a test of its survival, the government of the colony had been compelled to unite in a way unknown to it previously. Additionally, in the early months of the war many of the rebellious elements of the society, especially discontented Bath County men and Quakers, had either been killed or fled the colony. Their absence opened the way to compromise.

Indicative of the improved organization of North Carolina after the war was the quickness with which the colony responded to South Carolina's call for aid in the Yamasee War in 1715. The conflict, which began in April, involved the Creek, Choctaw, Catawba, and Yamasee tribes. The following month the North Carolina council called for troops to march southward. Maurice Moore, brother of James, the hero of Nohoroco, and Theophilus Hastings commanded two companies of fifty militiamen each and sixty Tuscarora and Core allies.[27] In July the North Carolina troops subdued the Saraw who had allied with the Yamasee. Late in 1715 Maurice Moore marched with 300 men westward into Cherokee lands to secure their aid against the Creek confederacy and their neutrality to the whites. Largely through his efforts the Cherokee signed a treaty with South Carolina in January, 1716. The pact marked the turning point in the Yamasee War.[28] In March, 1716, Moore received the thanks of the South Carolina assembly; and the

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[25] Connor, *North Carolina*, I, 127; Andrews, *Colonial Period*, III, 265; Saunders, *Colonial Records*, II, 250.

[26] Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (New York: Columbia University Press, 2 volumes, 1924), II, 386, hereinafter cited as Osgood, *American Colonies*; Connor, *North Carolina*, I, 129.

[27] Saunders, *Colonial Records*, II, 180; Crane, *Southern Frontier*, 175; M. Eugene Sirmans, *Colonial South Carolina: A Political History, 1663-1763* (Chapel Hill: University of North Carolina Press, 1966), 111-112, hereinafter cited as Sirmans, *Colonial South Carolina*.

[28] Crane, *Southern Frontier*, 173, 180-181; Sirmans, *Colonial South Carolina*, 113-114.

North Carolina troops returned home.[29] The two neighboring colonies had served one another well in times of mutual crisis.

One of the central features of the maturation undergone by North Carolina after the war was the work done by the General Assembly which convened on November 13, 1715.[30] The colony had been neglected frequently by the proprietors in the past, but the lack of response from London during the critical years after 1708 forced provincials to seek a larger role in their own affairs than they might have done otherwise. In 1715 the General Assembly undertook a review of all previous statutes in the colony, confirming six of them and either disposing of or redrafting others. It also wrote a series of laws which enhanced its own powers. Included in the sweep of legislation were acts establishing state support for the Anglican church, biennial elections with annual assembly sessions, fees for public officials, court jurisdiction, tax rates, the power to emit currency and establish towns, and administration of land grants.[31] Although the legislative branch of government had not established its power beyond challenge in 1715, it had asserted itself to a degree unknown before. During the General Assembly of 1715, the foundation was laid for the struggles between governors and legislatures which would characterize politics in the royal period.

The assertiveness of the 1715 assembly may have curbed any desire by North Carolinians to follow their southern neighbors into revolt against proprietary rule four years later. South Carolina leaders were bitterly disappointed by the lack of proprietary support in the Yamasee War. Less than £1,000 had been contributed by London to the struggle. Spurred to action by rumors of a Spanish invasion, assembly leaders in South Carolina overthrew proprietary government late in 1719. The revolution was nonviolent, and its leaders proclaimed their loyalty to the crown as well as their desire to become a royal colony.[32] When the North Carolina council heard of the revolt, its members sent a letter to the Lords Proprietors proclaiming their continued loyalty to them. The crown accepted the situation and saw no incongruity in annuling one portion of the proprietors' rights while retaining another. Yet for the decade following, North Carolina was in the process of becoming a royal colony. Crown officials kept a watchful eye on affairs in the province, the Privy Council approved governors sent to the

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[29] Saunders, *Colonial Records*, II, 225, 256.

[30] Saunders, *Colonial Records*, II, 235-236. For the laws enacted by this assembly, see Clark, *State Records*, XXIII, 1-96.

[31] Paschal, "Proprietary North Carolina," 331-332; Osgood, *American Colonies*, II, 386-388.

[32] Sirmans, *Colonial South Carolina*, 116, 127-128.

colony, and the Board of Trade frequently urged the king to purchase North Carolina.[33]

THE BLACKBEARD AFFAIR

Although North Carolina had emerged from the Tuscarora War with a new maturity, the colony was deficient in many of its physical resources. That a pirate as notorious as Blackbeard could operate so openly out of the province in 1718 was in part the result of a weakness born of exhaustion.

Among the southern colonies of North America, the two Carolinas were the premier privateering sanctuaries. North Carolina, with an abundance of shallow inlets and an isolation from its neighbors, was especially attractive to pirates. Between 1717 and 1721 nearly forty vessels were taken off the Carolina coast. During Queen Anne's War many privateers but few pirates had operated off the Virginia capes. With the end of that conflict in 1713, some seamen who had known no other work for a decade except that aboard a privateer were jobless. Many of these sailors turned to piracy. By 1717 an estimated 1,500 pirates were operating near the North American coast; most of them were based in the West Indies. In North Carolina where European vessels seldom docked, pirates found a ready market for their wares which were usually sold at lower prices than established merchants charged.[1]

The two major pirates associated with North Carolina were Edward Teach called Blackbeard and Major Stede Bonnet; the latter entered the colony under the former's aegis. In June, 1718, Teach put into Topsail Inlet with Bonnet among his company. While in the province, Bonnet surrendered himself to Governor Charles Eden at Bath as a reformed pirate under terms of the Act of Grace. Absolving him of his past misdeeds, Eden granted Bonnet's request to sail for St. Thomas in the Virgin Islands to seek a commission as a privateer. Four North Carolinians were among his departing crew. Bonnet soon began raiding shipping in southern waters; and in August, 1718, he put into the Lower Cape Fear region for repairs. Deservedly or not, Governor Eden was earning a reputation as a friend of pirates. A number of South Carolinians were disturbed by Bonnet's proximity to them, and they out-

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[33] Saunders, *Colonial Records*, II, 375; Andrews, *Colonial Period*, III, 266-267.

[1] Lefler and Powell, *Colonial North Carolina*, 82-83; Hugh F. Rankin, *The Golden Age of Piracy* (Williamsburg: Colonial Williamsburg, 1969), 57, 79, 82, hereinafter cited as Rankin, *Golden Age of Piracy*.

fitted an expedition to pursue him. In October, 1718, Bonnet was taken by William Rhett of South Carolina after a battle off Cape Fear.[2]

The most important pirate associated with North Carolina was Edward Teach (also referred to as Thatch, Tache, Tatch, and Tash), the famed Blackbeard. Of obscure origin, Teach began his career in piracy in the Caribbean near the close of Queen Anne's War. Rising steadily through the ranks of his profession, Blackbeard had acquired a small flotilla under his command when he first entered North Carolina in January, 1718. He surrendered to Governor Eden under the Act of Grace; and encouraged by his reception from the chief executive and acting chief justice of the colony, Tobias Knight, Teach made Bath his base of operations. By spring, with three ships in his command, Blackbeard conducted raids on the sea lanes between the West Indies and the continent. Utilizing the sand bars of North Carolina, the pirate chieftain operated from several sites in the colony.[3]

After a voyage to the Caribbean, Teach returned to North Carolina in June, 1718. Eden again extended a pardon to him under the Act of Grace and convened "a pretended Court of Admiralty"[4] at Bath with Tobias Knight presiding. If not illegally, then extralegally, Knight condemned Blackbeard's new ship, the *Adventure,* as a Spanish prize and granted the pirate full ownership of it.[5] Later that summer Teach again outfitted for sea, took a French merchant vessel, and returned to Bath. Blackbeard swore before another of Knight's courts that he had found the vessel adrift without crew or identifying papers. An ever-obliging Knight condemned the ship as a wreck liable to salvage. Eventually, the pirate towed the merchantman to an inlet near Bath, burned it to the waterline, and sank the hull.[6]

The proximity of Teach to Virginia bothered Governor Alexander Spotswood, who claimed admiralty jurisdiction over North Carolina. At his own expense, he outfitted two sloops to seek out the pirate in the fall of 1718. After supervising preparation of the vessels, Captain Ellis Brand of Virginia journeyed overland to capture Blackbeard in the event that he should be ashore. By November 21, Brand was within fifty miles of Bath. He was joined by Edward Moseley and Maurice

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[2] Rankin, *Golden Age of Piracy,* 93-94, 96, 100.

[3] Rankin, *Golden Age of Piracy,* 106-110; Lefler and Powell, *Colonial North Carolina,* 84. For a worthwhile recent biography of Teach, see Robert E. Lee, *Blackbeard the Pirate* (Winston-Salem: John F. Blair, 1974).

[4] Pp. xxxvi, xli, below.

[5] Rankin, *Golden Age of Piracy,* 112-113; Daniel Defoe, *A General History of the Pyrates,* edited by Manuel Schonhorn (Columbia: University of South Carolina Press, 1972), 76, hereinafter cited as Defoe, *General History of Pyrates.*

[6] Defoe, *General History of Pyrates,* 93; Rankin, *Golden Age of Piracy,* 114-115.

Moore, who helped him get his horses and supplies across Albemarle Sound.[7]

Meanwhile, on November 22, Lieutenant Robert Maynard of the Royal Navy, in charge of the Virginia expedition, encountered Teach off Ocracoke Inlet. After a fierce hand-to-hand battle, Blackbeard and over half of his crew of thirteen whites and six blacks were killed. One of the documents found in Teach's cabin on the *Adventure* was a letter addressed to "My Friend" suggesting that Governor Eden would welcome a visit from the pirate. It was signed by Tobias Knight. In addition Maynard discovered an account book listing Knight as a receiver of booty.[8]

Back on land, Brand, Moore, and several friendly North Carolinians entered Bath on November 23. Teach, of course, was not there; but local inhabitants told the Virginian he was expected soon. Brand would not learn of Maynard's victory for two more days. The captain told the governor that he had come to take Blackbeard into custody, and Eden cooperated. When Maynard put into Bath about November 25, Brand confiscated the pirate plunder including sixty hogsheads and twenty barrels of sugar, some cotton, and six slaves. Part of this booty had been found in a barn owned by Knight.[9] Brand ordered Maynard to carry the goods to Virginia where a vice-admiralty court would determine their disposition. This arrangement was satisfactory to Governor Eden. When he got to sea, however, Maynard divided the loot among his crew. Eden was angered by this development and protested that the pirates should be tried in North Carolina. Arguing before Virginia authorities, Thomas Pollock contended that no booty should have left North Carolina without the consent of the Lords Proprietors or the crown. On the other hand, Governor Spotswood countered that Blackbeard's crew had engaged in piracy after submitting to the Act of Grace and had thereby forfeited any right to trial in North Carolina.[10]

The chief witness in the Virginia trial in March, 1719, was Israel Hands, a former member of Teach's crew. His testimony implicated Tobias Knight as an active recipient of pirate goods. In an effort to gain corroborating evidence against Knight and, possibly Eden, a group led by Edward Moseley and Maurice Moore requested that they be allowed to examine the official records of the colony. When they

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[7] Rankin, *Golden Age of Piracy*, 118; Captain Ellis Brand to "Sir," February 6, 1718/9, Admiralty 1/1472, photocopy in British Records, State Archives, Raleigh, hereinafter cited as ADM 1/1472, British Records.

[8] Captain Ellis Brand to "Sir," February 6, 1718/9, ADM 1/1472, British Records; Lefler and Powell, *Colonial North Carolina*, 86; Rankin, *Golden Age of Piracy*, 123.

[9] Rankin, *Golden Age of Piracy*, 124; Captain Ellis Brand to "Sir," February 6, 1718/9, and July 14, 1719, ADM 1/1472, British Records.

[10] Rankin, *Golden Age of Piracy*, 125.

were refused, the group broke into the house of John Lovick, secretary of the colony, at Sandy Point on December 27, 1718. Barricading themselves inside, the men searched the records of the council and official correspondence for damaging items. Soon Governor Eden gathered a posse to arrest them; and their trial in July and October, 1719, was a sensation.[11]

Whatever his personal views were, Eden could not ignore the weight of the evidence against Knight. Spotswood had sent a copy of Hands's testimony to the governor in April with a letter demanding that Knight be sent to England for trial. On May 27, 1719, the former chief justice stood before Eden and the council to reply to the evidence against him. He contended that the testimony of known pirates should not be accepted, and he denied Ellis Brand's comments about him. One witness who had been living in Knight's house since the previous August said that neither Teach nor any of his crew had ever been there. Knight admitted writing the letter found in the pirate's cabin but denied any evil intent. A sympathetic council exonerated him and commended him as a good public officer. To what extent the pressures brought on Knight at this time affected his health is unknown, but he died in July, 1719.[12]

Despite his testimony before the council, the evidence against Knight was damaging. Ellis Brand, who was frequently complimentary of Eden, never spoke well of Knight; and he stated that the latter had obstructed his work in North Carolina in November, 1718, and had advised the governor not to cooperate with him. As collector of customs at Currituck from 1712 until his death, Knight had frequent dealings with pirates, and he assisted Blackbeard particularly. Brand did find stolen goods in Knight's barn, and the letter found in Teach's cabin was addressed in a friendly manner. It seems probable that, at the least, Knight was receiving stolen property.[13]

While Governor Eden was hardly an enemy of piracy, he may not have engaged in clearly criminal acts. Brand reported that the chief executive had delivered to him willingly all of the booty he had requested. When the Virginian left the colony, Eden had personally escorted him to the next county. Even Spotswood avoided accusing the governor of any impropriety and said that he had ordered Teach's booty taken out of North Carolina to protect the defenseless Eden from pirate raids.[14] The author of the outstanding contemporary history

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[11] Rankin, *Golden Age of Piracy*, 125-126; Pp. 199-201, 207-208, below.

[12] Saunders, *Colonial Records*, II, 329, 342-350.

[13] Captain Ellis Brand to "Sir," July 14, 1719, ADM 1/1472, British Records; Paschal, "Proprietary North Carolina," 522.

[14] Captain Ellis Brand to "Sir," March 12, 1718/9, ADM 1/1472, British Records; Saunders, *Colonial Records*, II, 326.

of pirates defended the governor also. He did not believe that Eden ever conducted any private correspondence with Blackbeard but was rather a victim of the weakness of a colony in which the pirate leader could have wrought havoc, if he desired. When Eden died on March 26, 1722, no formal charges had been brought against him despite vituperations by Moseley, Moore, and others.[15]

With the death of Teach, major pirate activity in North Carolina ended. Throughout the colonies generally, references to piracy seldom occurred in official correspondence after 1728.[16]

Despite a public debt in excess of £30,000 and the ordeals of civil strife, Indian warfare, and piracy, the North Carolina colony was stronger in 1723 than in 1709. Population expansion had grown rapidly after 1714, and even the southern precincts were receiving new settlers. Illustrative of this situation was the rejuvenation of New Bern. The infant town had been virtually abandoned during the Tuscarora War, but in 1723 the Pollocks (to whom Graffenried had mortgaged his interest) set about building up the community and succeeded in getting the General Assembly to incorporate it. The patriarch of the family, Thomas Pollock, who had served as chief executive after Eden's death, had died in September, 1722; but his sons were important figures in the existence of the colony, and Cullen in particular showed an interest in developing the Bath County holdings.[17] While the Albemarle region would dominate the political life of the colony for decades to come, the avenues to future growth ran south and west.

NORTH CAROLINA HIGHER-COURTS, 1709-1723

During the years 1709 through 1723, the General Court, which tried cases at law, and the Court of Chancery, which heard suits in equity, exercised jurisdiction over the entire North Carolina colony. In addition, a Court of Admiralty with jurisdiction over maritime matters functioned erratically and, perhaps, extralegally (if not illegally). The governor and council performed some judicial functions in executive session, but these activities did not fall into the formal category of higher-court actions. Five lower courts existed in 1709; one in each of the four precincts of Albemarle and one in Bath County. In December, 1705, Bath County was divided into three precincts, which between 1712 and 1729, came to have their own lower courts. Bertie and Carteret precincts, established in 1722, appear to have acquired lower

[15] Defoe, *General History of Pyrates*, 92; Saunders, *Colonial Records*, II, 449-450.
[16] Rankin, *Golden Age of Piracy*, 156.
[17] Paschal, "Proprietary North Carolina," 613; Saunders, *Colonial Records*, II, 460.

courts at the same time. Justices of the peace throughout the precincts sometimes sat individually, or in pairs, as magistrates' courts hearing minor cases.[1]

Scheduled to meet three times a year, usually in March, July, and October, the General Court convened in private homes in the Albemarle region until July, 1716, when civil actions began to be heard in the courthouse at Queen Anne's Creek.[2] Within three years criminal trials also moved into the courthouse.[3] The major officers of the court were the provost marshal, the attorney general, and the clerk. The first two men were appointed by the chief executive and council; the third by the provincial secretary.[4] Aided by deputies whom he chose, the provost marshal executed higher-court writs, summoned jurors, and held prisoners in custody. The attorney general prosecuted all criminal actions in the General Court and, as attorney for the proprietors, brought all suits in their names such as actions to collect delinquent quitrents. The clerk drew up writs, entered cases on the dockets, and kept the minutes. All three officers were compensated by fees included in the costs of court.[5]

Throughout the proprietary period the General Court exercised much of the jurisdiction later associated with county courts. With both original and appellate jurisdiction, it was the busiest of the higher courts.[6] Actions involving less than 20*s*. were not cognizable in the General Court; and, after 1715, residents of Bath County could not bring actions into the court involving less than £10 because of the expense entailed. The General Assembly also specified in 1715 that appellants from lower to higher courts had to file writs of error at least thirty days prior to that court's sitting.[7] Appeals from precinct courts exceeded those of previous years, especially after 1715.

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[1] Paul M. McCain, *The County Court in North Carolina before 1750* (Durham: Duke University Press, 1954), 13-14; Charles Christopher Crittenden and Dan Lacy (eds.), *The Historical Records of North Carolina* (Raleigh: North Carolina Historical Commission, 3 volumes, 1938-1939), I, 211, 346. For an excellent brief guide to courts in colonial North Carolina, see George Stevenson and Ruby D. Arnold, "North Carolina Courts of Law and Equity Prior to 1868," *Archives Information Circular Number* 9 (Raleigh: Department of Cultural Resources, 1973).

[2] P. 104, below.

[3] P. 198, below. Criminal sessions may have lagged behind civil in moving into the courthouse because of location of the jail. Also, there are no criminal minutes extant from March, 1717, to July, 1719, so the sessions may have moved earlier than existing minutes indicate.

[4] Parker and Price, *Colonial Records* [*Second Series*], III, xli-xliii.

[5] Parker and Price, *Colonial Records* [*Second Series*], III, xlii-xliii; William S. Price, Jr., "The Fee System in Colonial North Carolina" (unpublished master's thesis, University of North Carolina, Chapel Hill, 1969), 18, 23-24.

[6] Paschal, "Proprietary North Carolina," 353; Parker and Price, *Colonial Records* [*Second Series*], IV, xxxi.

[7] Clark, *State Records*, XXIII, 24-27.

Among the duties of the General Court during 1709 through 1723, which would later be relegated entirely to lower courts, were orders for the laying out of roads and the repair of bridges.[8] Most of these functions were performed by juries; and, as had been the case in previous years, gathering sufficient grand and petit jurymen would pose problems in the scattered settlements of North Carolina. Various efforts were made to correct the difficulty such as fining absent jurors.[9] However, the situation continued to be troublesome; and in 1723 the General Assembly enacted a law specifying nearly 800 freeholders by name who could serve on General Court juries. In framing the bill the assembly stated that such legislation was necessary because of the past indifference of so many jurymen.[10]

Much of the development of the General Court during 1709 through 1723 was tied to the evolution of the office of chief justice. Prior to July 1, 1712, the high court had no such official. Six justices, of whom three constituted a quorum, were equal in rank. Then in 1711 the North Carolina government requested that the Lords Proprietors create a chief justiceship.[11] On January 15, 1711/2, the proprietors agreed to establish such a post and on March 6 named Arthur Prior to it. However, Prior never took up his commission; and on July 1, 1712, the governor and council named Christopher Gale to the office.[12] Gale was not referred to in court minutes as chief justice until October, 1713. A copy of a commission issued to him in July, 1714, specified Gale as chief justice and listed eight men as his associates (not assistants). He and any two associate justices constituted a quorum.[13]

On March 5, 1714/5, the Lords Proprietors signed a commission confirming Gale as chief justice. They also ordered that he should control the appointment of his own clerks of court and that the General Court records were to be held by the chief justice. Gale presented this commission to the North Carolina council and took the oaths of office on January 21, 1715/6.[14] His commission was recorded preceding the criminal session minutes for the October, 1715, General Court. Be-

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[8] Pp. 125, 158, 246, below.

[9] P. 57, below.

[10] Clark, *State Records*, XXV, 185-190.

[11] Parker and Price, *Colonial Records* [*Second Series*], IV, xxxi; Paschal, "Proprietary North Carolina," 341-342.

[12] Minute books of the Carolina proprietors, March 6, 1711/2, CO 5/290 film; Minute books of the Carolina proprietors, January 15, 1711/2, CO 5/292 film; Saunders, *Colonial Records*, II, 34.

[13] P. 61, below; Gale's commission, July 2, 1714, CR 2.001.

[14] Minute books of the Carolina proprietors, March 5, 1714/5, CO 5/291 film; Minute books of the Carolina proprietors, March 23, 1714/5, CO 5/292 film; Saunders, *Colonial Records*, II, 217.

ginning with that term, civil and criminal actions would be heard in two separate sittings of each General Court session.[15]

The commission from Governor Eden to the other General Court justices recorded in October, 1715, refers to them as "Associates or Assistants."[16] In time the differentiation between the two words would have great importance as the governor and chief justice soon realized. Gale ordered that a paragraph of a letter from the proprietors' secretary dated April 8, 1716, be inserted into the General Court minutes for October of that year. It emphasized that the other justices on the bench with him were his assistants, and "you are to give the Rule, and Direct the business."[17] However, Eden continued to refer to these men as associates with the same power and authority enjoyed by previous justices of the General Court.[18] Clearly, Gale had a more grandiose view of his office than did the governor. Inevitably, the two men clashed. In the summer of 1717 Gale journeyed to London to lay his grievances before the proprietors. During July and October of that year the General Court did not sit; but by March, 1718, Eden and the council declared the chief justiceship vacant and named Tobias Knight to the office.[19] Meanwhile in London, Gale appeared before the proprietors who issued him a new commission. This document stipulated that the number of his assistants should not exceed two; that the chief justice could convene court without his assistants, but they could not convene without him; and that when all three justices were present, majority vote would prevail. At the same time the Lords Proprietors also ordered that the old deputy system of representation on the council be abandoned and a system like that in South Carolina be established. Briefly, this change meant that councillors would no longer be deputies of the proprietors as they had been in the past. The judicial impact of such an order was an erosion of some of the council's former court powers.[20]

Although the proprietors' order relating to the council was implemented, Gale's 1718 commission was not. In October, 1718, Frederick Jones succeeded Tobias Knight as chief justice. The following Decem-

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[15] Pp. 83-84, below; Paschal, "Proprietary North Carolina," 347.

[16] P. 85, below.

[17] P. 137, below.

[18] Saunders, *Colonial Records*, II, 264-265.

[19] Paschal, "Proprietary North Carolina," 343; P. 158, below. There are rough dockets for the General Court in July and October, 1717, in Colonial Court Records, Minute and Miscellaneous Dockets, 1680-1754, CCR 189, State Archives, Raleigh. However, dockets were drawn up well in advance of the court's sitting and, without the supporting minutes, do not prove that the court met.

[20] Saunders, *Colonial Records*, II, 299; Minute books of the Carolina proprietors, February 19, 1717/8, CO 5/292 film.

ber the council recommended that the proprietors confirm this action.[21] The power of justices to hold court without the chief justice was demonstrated in October, 1721, when the General Court tried cases without him on the bench.[22] On March 21, 1720/1, the Lords Proprietors issued Gale another commission as chief justice which varied little from the one of 1715. A year later Gale was presiding over the General Court in North Carolina with his assistants joining him on the bench.[23] Eden's death had simplified Gale's situation, but the question of whether General Court justices were associates (hence equal) of the chief justice or his assistants (hence subordinate) had not been settled. In 1731 it would surface again in a struggle between Governor George Burrington and Chief Justice William Smith.[24]

While the creation of the chief justiceship and the separation of civil and criminal dockets were the most important developments in the General Court during the period of this volume, there were a number of other extensions and amplifications affecting the court on a smaller scale. In March, 1709, the Lords Proprietors authorized the governor and council to fill any vacancy on the General Court bench until they could name a successor.[25] This procedure confirmed a longstanding practice. Most changes in procedure during 1709 through 1723 were instituted by the court itself. This included orders modifying attachments, pleadings, appeals, subpoenas for witnesses, and the order in which the clerk should issue writs.[26] Interestingly, despite the elevation of the office of chief justice in the period, the clerk was permitted to sign processes in that officer's absence following a March, 1717, order.[27]

In the broad codification and revision of laws undertaken by the General Assembly in 1715, the fee system in higher courts was put on a statutory basis. However, in situations not covered by the law General Court justices set their own fees during sessions in October, 1716, and March, 1722.[28] Special sessions of the General Court were held in April, 1715, and August, 1722, to hear cases which were considered to be unusually urgent.[29]

The Court of Chancery was composed of the chief executive and council from 1709 through 1723. As a court of equity, chancery

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[21] P. 188, below; Saunders, *Colonial Records*, II, 324.

[22] Pp. 254-256, below.

[23] Paschal, "Proprietary North Carolina," 344; P. 283, below.

[24] William S. Price, Jr., "A Strange Incident in George Burrington's Royal Governorship," *North Carolina Historical Review*, LI (April, 1974), 153.

[25] Saunders, *Colonial Records*, I, 705-706.

[26] Pp. 13, 158, 247, 348, 438, below.

[27] P. 141, below.

[28] Clark, *State Records*, XXIII, 83-87; Pp. 282-283, below.

[29] Pp. 77, 319, below; Saunders, *Colonial Records*, II, 459.

operated under rules and principles which enabled parties to find relief not obtainable in courts of law; it considered the parties concerned as well as issues and procedures. The Court of Chancery sometimes heard appeals directly from lower courts without their having passed through the General Court.[30] Appeals to chancery from the General Court were based on failure of the common law to provide a remedy rather than on error. Sometimes such hearings resulted in reversal of the earlier judgment of the court of law, but this action did not mean that chancery was higher than the General Court. Rather, it supplemented the work of the law court by doing what it could not.[31]

The constitutional argument between Virginia and North Carolina concerning admiralty jurisdiction continued to create confusion in such matters from 1709 through 1723. There are no admiralty court minutes extant for the period, but some evidence does exist that such a court sat. The collection designated CCR 142 at State Archives, Raleigh, contains two file papers relating to admiralty actions in 1709 and 1718. In August, 1712, there was an appeal from the Court of Admiralty to chancery.[32] The fee law of 1715 established rates for various admiralty court officials, and seven years later the General Assembly enumerated other admiralty fees.[33]

At least two admiralty courts convened during Blackbeard's sojourn in North Carolina. Captain Ellis Brand referred to such a court in June, 1718, and another contemporary writer confirmed Brand's reference and mentioned another session in the late summer or fall of 1718.[34] After a dispute between Virginia and North Carolina over condemnation of Blackbeard's booty late in 1718, arguments about admiralty jurisdiction did not plague the two colonies again. Until late in the proprietary period, admiralty courts sat infrequently because there was little business for them. A Spanish vessel taken by a privateer in 1719 was judged to be a prize by an admiralty court at Bath, and John Lovick was acting as a judge of admiralty in 1722.[35] There are no other known references to courts of admiralty in North Carolina from 1719 through 1723.

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[30] Theodore F. T. Plucknett, *A Concise History of the Common Law* (Boston: Little, Brown, and Company, Fifth Edition, 1956), 673-674, 681; P. 481, below.

[31] Parker and Price, *Colonial Records* [*Second Series*], IV, xxxiii-xxxiv.

[32] P. 469, below. One historian indicates that this appeal may have been initiated in a common law court. See Andrews, *Colonial Period*, IV, 262n.

[33] Clark, *State Records*, XXIII, 86; XXV, 179.

[34] Captain Ellis Brand to "Sir," February 6, 1718/9, ADM 1/1472, British Records; Defoe, *General History of Pyrates*, 76, 93.

[35] Paschal, "Proprietary North Carolina," 359-364; Hathaway, *Historical and Genealogical Register*, II (April, 1901), 301-302.

Occasional references to obsolete higher courts appear in documents after 1709. For instance, a petition to the governor and council in March, 1713, is addressed to the Grand Court although it had been phased out in the governmental reorganization in 1697.[36] Such a reference indicates confusion on the part of the petitioner rather than the existence of such a court. By 1723 the General Court and the Court of Chancery were handling virtually all court business above the precinct level.

EDITORIAL METHOD

The method utilized in transcribing documents for this volume is based on rules for the "expanded method" in Oscar Handlin and others, *Harvard Guide to American History* (Cambridge: Belknap Press of Harvard University Press, 1960) and on the style sheet prepared for *American Legal Records* by the Littleton-Griswold Committee of the American Historical Association. Most abbreviations and contractions have been expanded. Those retained include all proper names, dates, titles, amounts of money, and abbreviations in use today. If more than one expanded form fitted the context, abbreviations were retained as written. In that gray area where one must distinguish between abbreviations, contractions, or misspellings on the part of the contemporary scribe, no expansion has been made where the literal meaning is clear. It is hoped that this procedure will enhance the original flavor of the documents. Various symbols indicating *pounds, shillings,* and *pence* are rendered as £, *s.*, and *d.*

Spelling in the manuscripts has been followed with the exception of expansions, substitution of *th* for the symbol indicating the archaic letter *thorn,* and substitution of modern usage with respect to *i, j, u,* and *v*. Interpolation of *sic* has been restricted primarily to pointing out discrepancies in dates, page numbers, monetary calculations, and where an improperly used word might alter the meaning of the text. A few obvious slips of the pen, such as the repetition of words, have been silently corrected.

Capitalization in the manuscript has been followed with some exceptions. Each heading, paragraph, or notation is begun with a capital regardless of its form in the manuscript. The first word following a period ending a sentence or other passage is capitalized. If a proper name is not capitalized in the manuscript, it is not capitalized in this volume unless it meets one of the above criteria.

Very limited modification has been made in *punctuation*. Periods

[36] Hathaway, *Historical and Genealogical Register,* II (January, 1901), 111-112.

follow entries which require them as well as all retained abbreviations. Commas have been placed in lists of names changed from vertical to horizontal form. In a few cases, the editor has deleted extremely erratic punctuation, such as colons or dashes after every few words.

Square brackets enclose material supplied editorially. Inferred readings of missing and partially missing passages are printed in roman type. The remaining supplied material is in italics. Included are the shelf numbers of containers of documents, dates for documents, certain words of three letters or less, and such interpolations as *torn, illegible,* and *endorsed.*

Angle brackets enclose material which occurs in the manuscript but has been moved from one position to another. Such material includes case headings, jury lists, and notations moved into the text. Transposed material is in italics except that roman type is used for the manuscript page numbers and for the word "versus" or its equivalent in case headings.

Centered *shelf numbers* of the containers in which the documents are stored precede the text of all minutes. The absence of a shelf number elsewhere indicates that the document appears on the manuscript page with the preceding document or is on a page immediately following and bound with that one.

Footnotes in the text have been held to a minimum. They are used to include material of inconsistent or unusual placement in the manuscript, to point out significant words which were lined through in the text, to suggest possible readings to certain words and abbreviations, to point out repetitions, and to explain the inclusion of scratch minutes to fill out some areas where finished minutes are not available. It is hoped that the extensive cross-referencing in the index will compensate in part for the paucity of footnotes. As in previous volumes in this series, it is assumed that the reader will have access to such standard reference works as *The Oxford English Dictionary* and *Black's Law Dictionary.*

The documents are divided into two groups which are treated as chapters. The first, and by far the largest, chapter consists of minutes of the General Court. The second consists of those Court of Chancery minutes which have survived. In the General Court minutes, where civil and criminal sessions convened in a given term, the civil session usually preceded the criminal chronologically. For the sake of consistency, civil minutes are placed before criminal in this volume.

Dates in manuscripts have not been altered. They appear, of course, in old style (according to the Julian Calendar). Page 93 of the *Harvard Guide to American History* contains a table for converting old style dates to new style.

ABBREVIATIONS USED IN SHELF REFERENCES FOR DOCUMENTS

CCR Colonial Court Records, State Archives, Division of Archives and History, Raleigh

SS Secretary of State Papers, State Archives, Division of Archives and History, Raleigh

Minutes of the General Court

First Page of "Rules and Proceedings to be Observed in the General Court", April 1709

Minutes of the General Court

[*April 1709*]

[*CCR 139*][1]

Rules and Proceedings to be Observed in the Generall Court to Commence and be Observed by all persons in prosecuting or Defending any Suit from and after the next Generall Court to be held in this Government in July next.

1 Upon a Writt of Capias taken out the Copy of the Declaration Shall goe with it. And if the Marshall returne a Cepi Corpus the Defendant Shall File his Plea in the Office at Least thirty days after Serving the Writt and Declaration. Else Judgment Shall pay by Nihil Dicit.

2 If returne be made persuant to the Act of Assembly entituled arrest of Persons absconding the Defendant Shall appear the Next Court after Else Attachment Shall be there Granted against his Estate.

3 And if he do not putt in his plea in thirty Days after Attachment executed Judgement Shall pass by Nihil Dicit.

4 The Marshall att the time of Serving the writt and Dela[*torn*] or Attachment and Declaration Shall endorse the time [*torn*] he Serves the Same.

5 If the Defendant pleads Generally the Issue is joyned.

6 If the Defendant Pleads Specially the Plaintiff Shall reply or demurr in Twenty days after the Plea or a non Prociquitur to be entred and Execution issued for Cost and Ten days be allowed between replication Rejoynder etc. Demurer or jodyner in Demurer etc.

7 An Issue of Law or fact Shall be perfected Ten days before Sitting of the Court But if the time will not permitt the Process and proceedings Shall not abate but Continue in Order to the Fitting up the Issue for the next Court.

8 The Clarke Shall perfect a List or Docquett of all the Causes to be tryed every Court and Shall insert the Issue, And Cause the Same to be delivered to the First Comissionare in the Generall Court within Forty miles of the Office att least Tenn days before the Court and if that Commissioner cannot attend it is to be

[1] Although this document does not fall under the heading of minutes, it is offered here because of its relevance to court proceedings after 1709. A document with similar wording has been printed in Hathaway, *Historical and Genealogical Register*, II (April, 1901), 206-207.

retarned to the Court by the hands of the Marshall or Deputy who is Obliged to convey the Same to the Commissioner.

9 All Persons admitted as attorneys Shall before they Appear in any business in Court have the Oaths Administered to them.

[*Endorsed:*]
Rules of Court and proceedings to be Observed in the Generall Court by all Persons in this province to Comence from this fifth day of Aprill in The Eight year of the reigne of Our Sovereigne Lady anne Queen of Great Brittaine etc. Anno Domini 1709.

[*March 1711*]

[*CCR 104*]

<386> North Carolina Ss.

Att a Generall Court holden for the Said Province at the house of Capt. Jno. Hecklefield in Litle River on Tuseday the 27th day of March Anno Domini 1711 Present the Honorable Nathll. Chevin, Thos. Boyd, Jno. Blount, Fra. Delamare, Lyonll. Reading Esqrs. Justices.

The Comission of the peace and Dedimus Potestatem being read the Severall Members above mentioned took and Swore the Severall Oathes by Law appointed to be taken and also the Oath of a Justice of peace.

Wm. Armor being Called upon his Recognizance appeares and upon Motion made by Edwd. Bonwick Esquire her Majestyes Attorney Generall praying that the Said Recognizance may be Continued to the next Court

Ordered that the Said Wm. Armor be bound over to the next Court accordingly.

Wm. Armor and Jno. Meads Doe Severally acknowledge themselves to Stand Indebted to his Excelency the palatine and Lords proprietors in the Sume of ten pounds apeece to be Levyed upon their Severall Lands and Tenements Goods and Chatles by way of recognizance Upon Condition that the Said Wm. Armor shall be and appeare at the next Generall Court then and there to Answer to a Contempt by him Comitted upon the Authority of this Government in the meane tyme shall be of his Good behaviour.

James Fleming being Called upon his Recognizance appeares and upon Motion of her Majestyes Attorney Generall praying the Said Fleming may be Continued upon his Recognizance

Ordered that the Said James Fleming be bound over to the next Court accordingly.<387> James Fleming and Edward Williams Doe Severally acknowledge themselves to Stand Indebted to his Excellency the pallatine and Lords proprietors in the Summe of Twenty pounds apeece to be Levyed upon their Severall Lands and Tenements by way of Recognizance

Upon Condition that the said James Fleming shall personally be and appeare at the next Generall Court and then and there Answer to Such matters as on behalfe of our Soveraign Lady the Queen shall be objected against him and in the meane tyme shall be of his good behaviour.

Geo. White and James White acknowledges themselves Severally to Stand Indebted to his Excellcy the pallatine and Lords proprietors in the full Sume of

twenty pounds apeice to be Levyed upon their Severall Lands and Tenements Goods and Chattles by way of Recognizance.

Upon Condition that the Said George White doe appeare at the next Generall Court to be holden for this province and then and there prosecute James Fleming for a Rape and for Burning his House etc.

Then this Court Adjourned till Thursday Morne 9 of the Clock.

Thursday Morne 9 of the Clock this Court mett againe present ut Supra.

Upon petition of Mary Jackson praying to be allowed for her Comeing and goeing and three days's Attendance being Sumoned As an Evidence by James Fleming

Ordered that the Said James Fleming doe pay unto the said Mary Jackson for two day's Comeing and two day's goeing and three day's Attendance according to the Act of Assembly in that behalfe made.

Wm. Wilson Comes to prosecute his Suite against George Lumley in a plea of the Case and Complains that the Said Defendant Stands Justly Indebted to the plaintiff in the full Sume of Eight pounds four Shillings and four pence by account as by ways and meanes Convenient the plaintiff is ready to make appeare And the Said Defendant Came not Whereupon the Said Wm. Wilson prays an <388> Attachment against the Estate of the Said George Lumley.

Ordered that an Attachment goe out against the Estate of the Said George Lumley at the Suite of the aforesaid Wm. Wilson for the Debt and Damages aforesaid.

Then this Court Adjourned till Saturday Morne next 10 of the Clock.

Saturday Morne 10 of the Clock this Court mett againe present ut Supra.

The Honorable Wm. Glover Esqr. Comes to prosecute his Suite against The Honorable Jno. Porter Esqr. otherwise Called Jno. porter Esqr. of this province of North Carolina of a plea that he render unto him the Said Wm. the Summe of One thousand pounds Sterling Money which to him the Said Wm. he oweth and from him unjustly Deteyneth for that whereas the aforesaid Jno. porter the Eleventh day of Septr. in the Seaventh Yeare of the Reigne of our Soveraigne Lady Anne by the Grace of God Queen of great Britaine France and Ireland Defender of the faith etc. Anoque Domini 1708 in the precinct of pequimons within the Jurisdiction of this Court by one Certaine writeing Obligatory Sealed with the proper Seale of the Said Jno. Porter as also with the Seales of one George Lumley Jno. Hawkins and Fra. Foster and herein to Court brought whose Date is the Same Day and Yeare aforesaid Did acknowledge himselfe to be Severally bound unto him the Said Wm. in the full and Just Summe of One thousand pounds Sterling Mony to be paid to him the Said Wm. his Certaine attorney Executors Administrators or Assignes, Nevertheless neither the Said Jno. porter nor any of the Obligees above named the aforesaid Summe of One thousand pounds Sterling to him the Said Wm. hath paid tho' thereunto requested And he the Said Jno. porter doth Still refuse to pay the Same to the Damage of him the Said Wm. One thousand pounds Sterling and thereupon etc. And the Said Jno. Porter in his proper person Comes and prayes Lyberty thereof to Imparle untill the next Court And he hath it The Same day is given to the plaintiff also And upon this the Said Wm. Glover by Edwd. Bonwick his Attorney

prays that he the Said Jno. Porter May Enter into Speciall Baile Which is also Granted And thereupon <389> Jno. Porter and Emanuell Lowe Doe Severally acknowledge themselves Indebted to the Honorable Wm. Glover Esqr. in the full Summe of two thousand pounds Sterling to be Levyed upon their Severall Lands and Tenements Goods and Chattles by way of Recognizance. Upon Condition that the Said Jno. Porter shall appeare at the next Generall Court to be holden for this Collony at Capt. Jno. Hecklefields in Litle River on the last Tuseday in July next and then and there plead to a Declaration now filed against him at the Suite of the Said Wm. Glover in a plea of Debt for one thousand pounds Sterling Money and shall Stand to and abide the award of the Court therein.

And therewith they the Said Jno. porter and Emanuell Lowe doe Severally Say they are Content.

A Power of Attorney from Mrs. Catha. Glover wife of Wm. Glover Esqr. to Jno. Blount Esqr. was proved by the Oathes of Tobias Knight and Wm. Maule and orderd to be recorded.

And then the Honorable Wm. Glover Comes and acknowledges two Deeds of Sale for two tracts of Land on Litle River to the Honorable Collonel Robert Quarry And the aforesaid Jno. Blount Esqr. by Virtue of the aforesaid power of Attorney acknowledged the right of Dower of the aforesaid Katha. Glover to the aforesaid two tracts of Land Which Deeds was Delivered to Edwd. Bonwick Esqr. Register of the precinct of pequimons.

Upon petition of Darcass Neale by Edwd. Bonwick her Attorney praying on behalfe of her Selfe and Sisters Mary and Dinah Letters of Administration on the Estate of their Deceased brother Charles Neale as Nearest of Kin to the Said Charles

Orderd that Letters of Administration be granted as pray'd.

Then this Court Adjourned till the next Court in Course.

[*July 1711*]

[*CCR 104*]

<391> North Carolina Ss.

At a Genall Court begun the last Tuesday in July 1711 at the House of Capt. John Hacklefields in Little River. Present The Honorable Nathanll. Chevin, Francis Delamare, Thomas Boyd, Esqrs. Justices.

Proclaimation being made that the Court now sits and then it Adjournd till Thirsday next twelve a clock According to the Commission.

Thirsday the Court meets and then Adjournd till to morow morning nine of Clock.

Fryday the Court met and Adjournd till tomorow morning nine of the Clock.

Satarday the Court meets and sits. Present The Honorable Nath. Chevin, Fran. Delamar, Capt. Wm. Read, Jonathn. Jacocks Esqrs. Justices.

The Commission and Dedimus being read the Justices took and Subscribed the oaths by Law appoynted.

Mr. Francis Peacock produced a Commission under the hand and seal of Tobias Knights Esqr. Secretary for Clerke of the Generall Court and took and subscribed the oaths by Law Enjoyned before the Court.

Thomas woodley Comes into Court and Acknowledges a deed of sale of a tract of Land to Mr. Jonathan Jeycocks Conteining Ninety Six Acres and Also his plantation and Eliza. his wife by John Bishop her attorney comes and relinquishes all her right of Dower to the same.

William Armor comes into Court upon his recognizance and desires to be discharged from the Same.

<392> Ordered that the Said Wm. Armure be accordingly Discharged of the Same Recognizance paying his Fees.

Nath. Chevin Esqr. Chiefe Justice of this Court Desires that the Said Wm. Armare May be bound over to the next Generall Court to answer Such matters as he Shall then and there object against him where upon the Said Wm. armure and Jno. Meads Did Severall accknowledg themselfes bound in the Sume of Fifty pounds Sterling Each to be levied upon their land and Tenements Goods and Chattles on Condition that the Said Wm. Should personaly appeare at the next General Court and answer to Such things as Should be then and there objected against him.

Upon petition of the honorable Richd. Sanderson Esqr. praying Lettres of administration in Right of Damaras his wife on all and Singluer the Goods and Chattles Rights and Credits of mr. Ellis Coleman her late husband who Dyed beyond Seas Intestate

Ordered that administration be Granted Equally to him the Said Richd. Sanderson and Damaras his wife accordingly Singluar the Good and Chattles Rights and Creditts of the Said Ellis Coleman Deceased.

And Then This Court Adjourned Till Mundy morneing Seven of the Clocke.

Mundy morne The Court Meett and Satt. Present The Honorable Nath. Chevin, Thos. Boyd, Fra. Delarmare, Capt. Wm. Reed, Esqrs. Justices.

And Now here att this Court holden the Last Tusday in July 1711 Came the Said Wm. Glover by Edwd. Bonwicke his attorney and prayes That the Said Jno. Porter to the Declaration aforesaid May make answer unpon which the Said Jno. Porter Came not nor any one fore him to Say any thing in barr or reterdation of the Said Action whereupon the Said Jno. Porter remaine against the Said Wm. Glover thereof undefended and therefor it is Considered by the Court that the Said Wm. Glover recover against the Said Jno. Porter the aforesaid Debt of one Thousand pounds as allsoe the Sume of one pound Fifteen Shillings and Eight pence Costs of Suite and the Defendant in mercy etc.

<393> [*Blank*]

<394> Thos. Long comes into this Court to prosecute his suit against Robt. Sanders marriner of Boston in New England in a plea of the Case and Complains that the Defendant Stands Justly Indebted to the Plaintiff in the full Sum of Twenty Seven pounds Currant money of Boston by Account neverthelesse the Said Defendant the aforesaid Sum of Twenty Seven pounds to the plaintiff hath not rendered though often thereunto required by the same doth still refuse to

render to the plaintif to his Damage fifty four pound Sterling and there upon he brings his suite and the said Robt. Sanders was Called to answer to the suite of the said Thomas Long whereupon it was by them agreed that the said Cause Should be refered till the next Court in Course which was ordred accordingly.

A Power of Attorney from Thomas Durant to John Bateman was proved by the oaths of John Davis and mary his wife and ordred to be recorded.

Ann Fewox widow of James Fewox Deceased late of Chowan precinct prefering her petition to this Court prayd that letters of Administration of all and Singuler the goods Chattells rights and Creditts of her Said late husband may be granted to Robt. Fewox only Son of James fewox he the said James Fewox having not left any last will or Testament.

Ordered that letters of Administration be granted as prayd.

Anthony Alexander Exhibiting his petition to this Court Shewing that Walter Bonnsill Died at his The said Anthony Alexanders house Intestate and Craving letters of administration as Chief Credittor of the said Walter Bonnsill

Ordred that letters of Administration be granted as prayd.

Upon the petition of Adam Knight An Orphan Setting forth that he the said Adam Knight had served the full terme of his service that he was to Serve with Nicholas Crisp and praying that he might be discharged and set free from his said master

Ordred that he be Accordingly discharged from the said Nicholas Crisp if there be no reason Shewn to the Contrary at the next Court in Course.

<395> Upon the pettition of Mary Branston Setting forth that her Son has Suffred great hardships for Want of Sufficient Sustenance throug the Negligence of George Lumly who left him lately forlorn and destitutes and praying that her said Son might be taken away and discharged from the said George Lumley.

Ordred that Mrs. Lumley wife of the said George Lumly go forthwith to pamplico and take Care that the said mary Branstons Son may be found and provided with Good and Sufficient nesscesarys for the remainder of his time or in failure thereof to have the said orphan taken from her upon the first reasonabel Complaint to be made before and Approved of by any Justice of the peace in this Goverment and that the said mrs. Lumly give good Security that she dos not Carry the said orphan or any ways Contrive him out of the Goverment.

The will of Margaret Mackbride proved by the oathes of Thomas Boyd Esqr. and Richd. Stamp.

Ordred that Doctor Godfry Spruewell Edwd. felps Canan Simpson and John Yates or any three of them appraise the Estate of James Fewox Deceased and make due returne of the Inventory they being first Sworn before a Justice of the peace for that purpose.

Ordred that the Above mentioned Doctor Godfrey Spruewell Edwd. felps Canan Simpson and John Yates or any three of them appraise the Estate of Walter Bonnsill likewise.

A deed of salle Acknowledged by Thos. Durant By John Bateman his Attorney to Joshua Callaway.

Ordred that this Court be Adjourned till to morrow morning Eight of the Clock.

Tuseday morning the Court meets and Sits. Present ut Supra.

Ordred that James Flemin be Continued upon his recognizance already Entred into with his Surety Edwd. Williams till the Court in Course.

<396> Ordred that George White be Continued upon his recognizance alredy Entred into with his Surety James White his brother till the next Court in Course.

An Inventory of the Estate of Elizabeth Penrice was Exhibitd and proved before this Court by the oath of Thomas Penrice.

An Account Exhibited and proved before this Court upon the Estate of the said Eliz. Penrice by the Oath of Mary Evans it being for funerall Charges.

An Account was Exhibited and proved before this Court by the Oath of Darby Bryan upon the Estate of the said Eliza. Penrice and Ordred to be Allowd if debts of greater dignity do not opose.

The Honorable Nathll. Chevin Esqr. Comes and prosecutes his Suite against John Bishopp in a plea of the Case and Complains that the Defendant Stands Justly Indebted to the Plaintiff in the full Sum of Eighteen pounds two Shillings and ninepence halfpeny per Account as per Warrant and the said John Bishopp being Called to the said Suite Comes and Confesses Judgment upon the same.

Ordred that the said John Bishopp do pay to the said Nath. Chevin Esqr. the said Sum of Eighteen pounds two Shillings and ninepence halfpeny with Costs of Suite alis Execution.

The Honorable Nath. Chevin Esqr. Comes as Attorney of Margarett Tench and prosecutes his Suite against John Bishopp in a plea of Debt and Saith that the Defendant by his certain writing under his hand bearing date the twelfth of Decembr. 1704 Stands Justly Indebted to the plantif Quallifyd as afforesaid in the full and Just Sum of Nine pounds and four pence halfpeny as by the said writeing may appear and the said John Bishopp being Called he Accordingly Comes and Confesses Judgment upon the same.

<397> Ordred that the said John Bishopp do pay the said Sum of Nine pound fourpence halfpeny to the said Nath. Chevin Esqr. with Costs of Suite Alias Execution.

The Honorable Nath. Chevin Esqr. Comes and prosecutes his Suite Against John Gee in a Plea of the Case for that the Defendant Stands Justly Indebted to the Plaintiff in the Sum of one pound one Shilling and tenpence per Account as per Narratio and the said John Gee being Called it was Agreed between the said Plaintiff And Defendant that the said Action Should be withdrawn upon John Bird assumpsion of the said Debt and the Same was withdrawn accordingly.

Ordred that the said John Bird to pay the said one pound one Shilling and ten pence to the said Nath. Chevin Esqr. with Costs of Suit Alis Execution.

The Honorable Nath. Chevin Esqr. Comes and prosecutes his Suite as Assignee of Nicholas Tyler against John Slocom in a plea of Debt for that the Defendant Stands Justly Indebted to the plaintiff Quallified as aforesaid in the sum of Ten pounds Eight Shillings and five pence in merchantable fresh porke fresh Beef etc. as by his Obligation under his hand and Seall Dated the Nineteenth day of June Seventeen hundred and four may apear as per Narratio and the said Jno. Slocom being Called According to Due form of Law Appeard not wherefore the plaintiff moved that Capt. Emanl. Cleavs Should have the Body of the said John Slocomb

at next Generall Court otherwise Judgment to pass against him as provist Marshall which was ordred Accordingly.

The Honorable Nath. Chevin Esqr. Comes and prosecutes his Suite against John Slocomb in a Plea of Debt and Complains that the Defendant Stands Justly Indebted to the Plaintiff (as Assignee of Nicholas Tyler of pamplico) in the Sum of Two pound one Shilling, and Eight pence to be paid in good drest buckskins at two Shillings per Skin drest doe Skins at one Shilling and Sixpence per Skin and Furrs to the Custom of Virginia pay as per Narratio.

<398> And the Defendant being Called according to due form of Law appeard not according to return of the writ where upon the Plaintiff moved Capt. Emanl. Cleavs should have the Body of the said John Slocomb at the next General Court otherwise Judgment to pass against him as Provist Marshall which was ordred accordingly.

The Honorable Nath. Chevin Esqr. comes and prosecutes his suite against James Blount (as Assignee of Nicholas Tyler) in a plea of Debt for that the Defendant Stands Justly indebted to the plaintiff in the Sum of one pound two Shillings and four pence in Drest Skins by Obligation under his hand dated the twelfth day of Augt. one Thousand seven hundred and Six as per Narratio and the said James Blount was Called According to due form of Law but appeard not According to the return of the writt wherefore the said Plaintiff moved that Capt. Emanl. Cleavs Should have the Body of the said James Blount at the next Generall Court otherwise Judgment to pass against him as Provist Marshall. Ordred accordingly.

The Honorable Nath. Chevin Esqr. Attorney of Margarett Tench of the City Philadelphia comes and prosecutes his Suit against James Blount of Pamplico in a plea of Debt for that the Defendant stands Indebted to the Plaintiff (Quallified as aforesaid) in the full sum of twenty pounds Currant money of this Goverment to be dillivered in little River as appears by his bill Under his hand dated December the Eighteenth one Thousand Seven hundred and nine as per Narratio and the Defendant being Called According to due form of Law Appears not according to the return of the Writt wherefore the said Nath. Chevin Esqr. moved that Capt. Emanl. Cleavs Should have the Body of the said James Blount at the next General Court otherwise Judgment to pass against him as provist marshall. Ordred Accordingly.

The Honorable Nath. Chevin Attorney of Collonel Robt. Quarry And Margaret Tench Comes and prosecutes his Suit against James Lee of Bath County in a plea of Debt for that the Defendant Stands Justly Indebted to the plaintiff Quallified as aforesaid in the Sum of Nine pound fourteen Shillings and Eight pence as per Narratio and the said James Lee was Called and Comes and Confeses Judgment upon the same whereupon it was ordred that the said James Lee Should pay the said Nine pounds fourteen Shillings and Eight pence to the said Nath. Chevin Esqr. with Costs of Suit Alias Execution.

<399> The Honorable Nathaniell Chevin Esqr. Attorney of Margt. Tench comes and prosecutes his Suit against John fullford in a plea of Debt for that the said Defendant stands Justly Indebted to the plaintiff in the full and Just sum of Eighteen pounds fifteen Shillings and two pence (to be paid in pamplico River

as by his Obligation under his hand and Seal Dated the twelfth of March 1706/7 appears) and the Said John Fullford was Called but appeard not according to return of the writt whereupon the said Nath. Chevin Esqr. moved that Capt. Emanl. Cleavs Should have the Body of the said John Fullford at the next General Court otherwise Judgment to pass against him as provist Marshall which was Ordred Accordingly.

John Hart of the province of Maryland Comes and prosecutes his Suit against Wm. Gray in a plea of the Case for that the said Willm. Gray Stands Justly Indebted unto Nath. Chevin Esqr. (his Attorney) in the full and Just sum of three pound one Shilling by Account as per Narratio and the said Wm. Gray was Called and Comes into Court and desires that all further proceedings may be Stopt upon Capt. Emanl. Cleavs his Assumpsion of the said Debt who took upon him to pay the same.

Ordred that the said mr. Emanuel Cleavs do pay the said Sum of three pounds and one Shilling with Costs of Suit Alias Execution.

The Honorable Nath. Chevin Esqr. Comes and prosects his Suit against Collonel Thomas Cary in a plea of the Case and Complains that the said Collonel Thomas Cary Stands Indebted to him in the Sum of three pounds ten Shillings and three pence by Account as per Narratio and then Capt. Emanl. Cleavs Provist Marshall for the County of Bath was Called to bring forth the Body of the said Collonel Thomas Cary According to the returne of the Writt who Accordingly Comes and makes return of his Writt in these words (Videlicet) I Endeavoured to take the Body of the within mentioned Defendant but could not he being in open Armes against the Goverment which said return being maturealy Considered and throughly debated it is the Opinion of the Court that the said return dos Amount to a (Non est Inventus) and thereupon the said Plaintiff prays an Attachment against the Estate of the said Defendant which was granted Accordingly.

<400> The Honorable Collonel Robt. Quarry and Margt. Tench by Nath. Chevin their Attorney Comes and Prosecutes their Sute against Collonel Thos. Cary and Complains that the said Defendant Stands Indebted to the plaintiffs in the full sum of Sixty Six pounds by Account as per Narratio and then Capt. Emanuel Cleaves Provist Marshall for the County of Bath was Called to bring forth the Body of the Said Collonel Thomas Cary who Accordingly Comes and makes Return of the writt In these words (Videlicet) I have Endeavourd etc. ut Supra whereupon the opinion of the Court was ut Supra and thereupon the plaintiff Craves an attachment against the Estate of the said Defendant foresaid the said Debt with Costs of Suit which was granted Accordingly.

The Honorable Nath. Chevin Esqr. Administrator of the goods and Chattells of George Chambers late of this Province Deceased Comes and prosecutes his suite against Wm. Barrow of Bath County in the province aforesaid in a plea of the Case on an Assumpsit and Setteth forth that the Defendant Stands Indebted to the plaintiff Quallified as aforesaid by his Assumpsit in the sum of Ten pound to be paid in the County of Albemarle as per Narratio And Capt. Emanl. Cleavs was Called to bring forth the Body of the said Wm. Barrow According to the return of his Writt who Accordingly Comes and makes return of the said Writt ut Supra whereupon the Oppinion of the Court was ut Supra and then the plaintiff

Quallified as aforesaid Craves an Attachment for the said Debt with Costs of Suit against the Estate of the said Defendant which was granted accordingly.

The Honorable Nathanl. Chevin Esqr. Attorney of Margt. Tench Comes and prosecutes his Suit against Wm. Barrow (alias Dictus) Capt. Wm. Barrow of Bath County in the province aforesaid, for that the said Barrow Stands Indebted and owing to the plaintiff Quallified as afforesaid in the Sum of one pound Seven Shillings and five pence, as by his Obligation under his hand dated Febry. the twenty Eighth one Thousand Seven hundred and Six may appear as per Narratio and then Capt. Emanl. Cleavs was Called to bring forth the Body of the Said Wm. Barrow According to the returne of his Writt who Accordingly Came and makes returne of his writt (ut Supra) whereupon it was the oppinion of the <401> Court (Ut Supra) therefore the said Plaintiff Quallified as aforesaid Craves an Attachment against the Estate of the said Wm. Barrow for the said Debt with Costs of suit which was Granted Accordingly.

The Honorable Nath. Chevin Esqr. Attorney of the Honorable Collonel Robt. Quarry and new pensilvania Company Comes and prosecutes his Sute against Levi Truit of Bath County in the province aforesaid in a plea of Debt for that the Defendant Stands Indebted and owing to the plaintiff Quallified as aforesaid in the Sum of four pound thirteen Shillings as by his Obligation past to Nicholas Tyler the Sixteenth day of Novembr. Anno Domini one Thousand Seven hundred and four as per Assignement to the said Chevin may appear and ~~then~~ was Called Capt. Emanl. Cleavs the provist Marshall of the County of Bath to bring forth the Body of the Said Levi Truhit According to the return of his writt who Accordingly Comes and makes return of his said Writt (ut Supra) whereupon the oppinion of the Court is (ut Supra) and therefore the said Plaintiff Craves an Attachment against the Estate of the Defendant for the said Debt with Costs of Suit which was granted Accordingly.

The Honorable Nath. Chevin Esqr. Attorney of Collonel Robt. Quarry of the City of Philladelphia in the province of pensilvania Comes and prosecutes his Suit against John Buntin in a plea of Debt for that the said Buntin stands Indebted and owing to the plaintiff Quallified as aforesaid in the Sum of fifteen pounds Eleven Shillings and nine pence in good fresh Porke or Beefe etc. as by his obligation under his hand and Seal Augt. the Seventh Seventeen hundred and three may appear as per Narratio and then was calld etc. Capt. Emanl. Cleavs provist Marshall for the County of Bath to bring forth the Body of the said John Buntin According to the return of his Writt who makes return (ut Supra) whereupon the Oppinion of the Court was (ut Supra) and therefore the said Plaintiff prays an attachment against the Estate of the said <402> Defendant for the said Debt with Costs of suit which was granted Accordingly.

Tobias Knights Esqr. Comes and prosecutes his Suit against John Hedgson in a plea of the Case and Complains that the Defendant Stands Indebted to the plaintiff in the full sum of two pounds three Shillings and Six pence as per Narratio and the Said John Hedgson was Called According to due form of Law but appeard not according to return of the writt whereupon the honorable Nath. Chevin Esqr. Attorney of the Said Tobias Knights moved that Capt. Emanuel Cleavs Provist Marshall Should have the Body of the Said John Hedgson at the

next Generall Court otherwise Judgment to pass against him which was ordred Accordingly.

Tobias Knights Esqr. Comes and prosecutes his Suit against Richard Devenport in a plea of Debt and Saith that the Defendant Stands Justly Indebted unto the plaintiff in the full and Just Sum of three pound as in and by a Certain note or writing under the proper hand of the Said Defendant being the Seventeenth day of Aprill one thousand Seven hundred and Eight appears as per Narratio and then the Said Richd. Devenport was Called to Answer According to the return of the writt but appeard not whereupon the Honorable Nath. Chevin Esqr. moved that the provist Marshall Should have the Body of the said Richd. Devenport at the next Generall Court otherwise Judgment to pass against him which was granted Accordingly.

Whereas it hath formerly been the practice of this Court that a writt of Attachment might Issue out to Attach the goods of any person before any Originall process to be taken out against any Defendant or Defendants, and this Court finding the Inconveniences attending Such practices and taking the Same into their Serious Consideration It is ordred and be it a Standing rule of this Court that for the future no Attachment Shall be allowed to go out from the Secretarys office to Attach the goods of any person before such times that an Originall writt or process Shall first Issue out of the Same against Such Defendant or Defendants, as the Said Attachment was to be made out against, and it is further ordred that this rule of Court be fitt up and published at the Secretarys Office.

<403> Joshua Callaway Came into Court and Acknowledged a Conveyance of land to John Mixon, and Eliza. his wife Came also into Court and being privately Examined by the Judge of the Court relinquisht all her right of dower to the Same.

Wensday Augt. the Eighth one Thosand Seven hundred and Eleven present (ut Supra).

Ordred that Francis Pricklove dwell and abide with Nathanl. Chevin Esqr. and Eliza. his wife untill he arrive at the age of twenty one Years and that the said Chevin and Eliza. his wife take Care to give him Christian Education.

Mr. Thomas Snoden Comes into Court and produces Allicence from under the hands of the Honorable Edwd. Hyde Esqr. President to plead as an Attorney in this Court And Any Court of Record in this Goverment.

And then this Court Adjourned till Tomorow morning Seven of the Clock.

Thirsday, Augt. the Ninth at Seven of the Clock the Court meets and sitts being present ut Supra.

Mathew Prickett being Sumonsed to Appear att this Court on her Majestys Account makes his appearance and Acknowledges him Self to Stand indebted to our Soverign Lady the Queen in the sum of tenn pounds to be Levied upon his goods and Chattells Lands and tenements with Condition that he Appear att the next Generall Court to be held at the house of Capt. John Heclefield in little River the last Tuseday in Oct. Next and there to Answer to what Shall be Objected against him on her Majestys behalf with which recognizance he the Said Mathew Pricket Says he is Content.

Caleb Bundey being Sumoned to Appear at this Court on her Majestys Account makes his Appearance and Acknowledges himself to Stand Indebted to our Soverign Lady the Queen in the Sum of Tenn pounds to be Levied upon his goods and Chatles lands <404> and tenements with Condition that he appear at the next Generall Court to be held at the house of Capt. John Heclefield in little River the last Tuseday in Oct. next and there to answer to what Shall be Objected against him on her Majestys behalf with which recognizance he the Said Caleb Bundey Says he is Content.

Thos. Mackie being Sumoned to appear at this Court on her Majestys Account makes his appearance and Acknowledges him Self to Stand indebted to our Soverign Lady the Queen in the Sum of ten pounds to be Levied upon his goods and Chattells lands and Tenements with Condition that he Appear at the next Generall Court to be held at the house of Capt. John Heclefield in Little River the last tuseday in Oct. next and there to answer to what Shall be Objected Against him on her Majestys behalf with which recognizance he the Said Thomas Mackie Says he is Content.

Whereas it Appears by the records of this Court Entred in one Thousand Seven hundred and Eight and one Thousand Seven hundred and nine that Ralph Chapman marriner of new England Stood Indebted to Wm. Brice of this Collony in the Sum of thirty pounds Currant money of New England and the honorable Collonel Thos. Boyd Acknowledges that he has Assets in his hands belonging to the Said Chapman.

Ordred that the honorable Collonel Thos. Boyd pay to Wm. Brice or his Order of the said Sum as farr as he has Assets and then the Court Adjournd till four of Clock in the afternoon.

At four of Clock the Court meets and Sitts being present ut Supra.

A Power of Attorney from Capt. Wm. Brice to Capt. Jno. Heclefield was proved by the Oaths of mr. Edward Bonwick and mr. Jno. Byrd and ordred to be recorded.

A Power of attorney from madam Martha Wainright to James Leigh was proved by the oath of Capt. Emanl. Cleavs and ordred to be recorded and then the Court Adjournd till tomorow four of the Clock in the afternoon.

<405>[2] And then the Court Adjournd till the morrow at four of the Clock in the afternoon.

Fryday Augt. the tenth one Thousand Seven hundred and Eleven.

The Court meets being present ut Supra.

Thomas Harding being bound over to this Court makes his appearance and Acknowledges himself to Stand Indebted to our Soverign Lady the Queen her heirs and Successors in the Sum of one hundred pounds Sterling and James Leigh his Surety Enters into the said recognizance to be levied upon their Goods and Chattles lands and Tenements with Condition that He personally appear at the next Generall Court to be held the last Tuseday in Oct. next or before if thereunto

[2] Pages <405> and <407> of the manuscript are headed: "A Generall Court Continued in July 1711."

required to Answer to all Such matters as Shall be required of Him on her Majestys behalf.

James Beard being bound over to this Court makes his Appearance and Acknowledges himself to Stand Indebted to our Soverign Lady the Queen her heirs and Successors in the Sum of one hundred pounds Sterling and James Leigh his Surety Enters into the Said recognizance to be levied upon their Goods and Chattles lands and Tenements with Condition that He personally appear at the next Generall Court to be held the last Tuseday in Oct. next or before if there unto required to Answer to all such matters as Shall be required of Him on her Majestys behalf.

Ordred that Capt. Emanl. Cleves provist Marshall of the County of Bath take John Fitch into his Custody and him to detain untill he Shall give his Deposition before the next Majestrate on Severall matters on her Majestys behalf and give bond with good Security to appear at the Court Aforesaid.

<406> Edward Bonwick Esqr. Attorney Generall Comes and prays that the Above named James Beard and Thos. Harding may be admitted approvers in the Case for which they are bound over. And they are by the Court Admitted as approvers.

Att five of the Clock the Court Adjournd for half-an-hour.

Att which Time the Court meets and Sitts ut Supra.

An Appeal being brought by the honorable Robt. Danl. Esqr. plaintiff by James Leigh his attorney from the Court of Bath County against Major Christopher Gale Defendant in a plea of the Case and the plaintiff and Defendants Attorney appearing they Unanimously agree that the Case be refered till the next Generall Court in Course and that the Certiorari be filled and that James Leigh and Saml. Norton be Continued as prossecutors.

Upon the petition of John Walker of Chowan Precinct

Humbly Shuing that George Chambers Deceased did in the Year one Thousand Seven hundred and three purchase of Edmond Pierce late of the County of Bath now Deceased a tract of land and plantation lying on the West side of the mouth of kendricks Creek being the poynt of the Creek and before it was Acknowledged in Court by the said Pierce Your Petitioner bought the Same of the Said Chambers and the Said Chambers dyed without making any title to Your Petitioner by Acknowledgment or otherwise whereupon Your Petitioner applyed himselfe to the afforesaid Edmond Pierce and to N. Chevin Esqr. <407> Administrator of the Goods and Chattles of the Said Chambers and they did both Conclude and agree that the Said Edmond Pierce Should Acknowledge a title of the aforesaid land and Plantation to Your petitioner but the great distractions and trouble hapening in the Goverment by which all Courts of Judicator was Obstructed it was never Acknowledged Your Petitioner humbly prays that Nath. Chevin may be Examined in the primisses and that upon his Testimony the title may be made good to Your Petitioner.

And the Said Nathaniell Chevin being Examined on Oath Says that what is Sett forth in the Petition is true in fact and that he very well knows that the Petitioner did firmly agree and Contract with the Above named Edmond Pierce for the aforesaid Plantation and tract of land for the Consideration of twenty

five pound in the Currant money of this Countrey one part whereof he the petitioner pd. to the Said Edmond Pierce which was due to him from the aforesaid Chambers and the other part to me the said Chevin being Administrator of Chambers as Aforesaid And the Court duly Considering the primisses do agree that the petitioners title is good and vallid in Law.

And then the Court Adjourned till the last Tusday in Oct. next.

[*Signed:*]
N. Chevin, Franc. DeLaMare, Jonathan Jacocks.

[*October 1711*]

[*CCR 104*]

<408> Att a Generall [*sic*] holden att the house of Capt. Jno. Heclefield in Little River the Last tuseday in Oct. 1711. The Honorable Nathnll. Chevin and Francis DeLaMare Justices being only present they Adjournd the Court till thirsday the first day of Novembr. next According to a Clauses in the Commission for that purpose.

Thirsday the first of Novembr. 1711 the Court Sits. Present The Honorable Nath. Chevin, Fran. Delamare, Jonathn. Jacocks Esqrs. Justices.

Proclaimation being made mathew Pritchet being bound over by recognizance to this Court and no Evidences appearing against him upon his motion and by Consent of Edwd. Bonwick Esqr. Attorney Generall is discharged of his recognizance.

Caleb Bundy being bound over by recognizance to this Court and no Evidences appearing against him upon his motion and by Consent of Edwd. Bonwick Esqr. Attorney Generall is discharged of his recognizance.

A letter of Attorney from John Wardner and Sarah his Wife to Wm. Norris was proved by the testimony of John Norris and John Turner Quakers.

A Deed of Sale from Jno. Wardner and Sarah his wife of a tract of Land at Croatan was Acknowledged by their Attorney to mr. James Tooke part whereof was made over by Jno. West to Jno. Belman Former husband to the Aforesaid Sarah the honorable Nathll. Chevin Esqr. testifying that the <409>[3] writings between the Said West and Belman he hath Seen and had in his Custody.

A letter of attorney from Edwd. Bradshaw to Jno. Meads was proved by the oath of Wm. Norris and Ordered to be recorded.

John Meads Attorney of Edwd. Bradshaw acknowledges a Conveyance of a tract of Land and plantation nigh griffin Swamp in Pascotank precinct unto mr. James Tooke.

Whereas at the last Generall Court Adam Knight an Orphan by his humble petition Sued to the Court that he had Served his full time for which he was bound unto mr. Nich. Crisp and prayd that he might [be] discharged from his Master whereupon the Said Court ordered that he Should be discharged as prayd

[3] Pages <409> through <413> of the manuscript are headed: "Oct. Court Continued."

if no Cause was Shewn to the Contrary at the next Court in Course and John Pipkin appearing before this Court and by his petition Shewing that he the Said Adam Knight was by Indenture to Serve till he was thirty Years of age which is not yet Expired and the Said Indenture he the Said Pipkin as being Assignee of Nich. Crisp produces in Court whereupon it is

Ordered that the Said Pipkin have the liberty to aprehend and take up the Said Adam Knight in whatsoever part of this Goverment he Shall be found and him having so taken to Carry him before the Governor or any one of the Councill before whom the whole matter on both Sides Shall be heard and determined.

Robert Temple Comes into Court and Exhibitts and account against the Estate of Capt. John Hunt Deceased for two pounds fifteen Shillings which he proved by his Oath

<410> Ordered that mr. James Tooke Executor of the last will and Testament of Capt. Hunt Deceased pay unto Robt. Temple the Aforesaid Sum of two pounds fifteen Shillings.

Thomas Mackie being bound over to this Court by recognizance and no Evidence appearing against him he is discharged of his recognizance Edwd. Bonwick Esqr. Attorney Generall being in Court.

Wm. Jenings being bound over by recognizance for his Appearance at this Court in the Sum of one hundred pounds penalty with good Surety being Solemnly Called makes his appearance and by reason of the troubles Ocasioned by the Massacre Committed by the Indians etc. and the Want of a Grand Jury he is directed by the Court to find fresh Security for his appearance at the next Generall Court and the Said Wm. Jenings and Robt. Morgan his Surety doth acknowledge to stand Indebted to our Soverign Lady the Queen in the Sum of fifty pounds Each to be levied upon their Goods and Chattles Lands and tenements with Condition that the Said Wm. Jenings Shall appear at the next Generall Court to be held for this Province the last tuseday in march next and therewith they Say they are Content.

Robert Morgan being bound over as aforesaid and gos directed by the Court as aforesaid Robt. Morgan Acknowledged himself bound unto our Soverign Lady the Queen in the Sum of fifty pounds and Wm. Jenings and Robert Temple his Suretys in twenty five pounds Each to be levied upon Each of their Goods and Chattles Lands and tenements with Condition that the Said Robt. Morgan Shall appear at the next Generall Court to be held for this province the last tuseday in March next and there make answer to what he Shall be Chargd with and therewith they Say they are Content.

<411> Robt. Temple being bound over by recognizance to this Court as aforesaid and being Solemnly Called made his appearance and was directed by the Court as aforesaid Robt. Temple Acknowledges himself bound to our Soverign Lady the Queen in the Sum of fifty pounds and Wm. Norris and Robt. Morgan in the Sum of Twenty five pounds Each to be levied upon their goods and Chattles Lands and tenements with Condition that the Said Robt. Temple doe personally at the next Generall Court and there answer to what Shall be laid to his Charge on the Queens behalf and therewith they Say they are Content.

Wm. Wilson being bound over by recognizance to this Court and being Solemnly Called makes his appearance Wm. Wilson Acknowledges himself

bound to our Soverign Lady the Queen in the Sum of ten pounds and John Man and Wm. Norris his Sureties in the Sum of five pounds Each to be levied upon their goods and Chattles lands and tenements with Condition that the Said Wm. Wilson personally Appear at the next Generall Court to be holden for this province the last tuseday in March next and thereto Answer to what Shall be laid to his Charge on the Queens behalf.

William Wilson being bound over by recognizance to this Court and being Solemnly Called makes his Appearance and Acknowledges himself bound to our Soverign Lady the Queen in the Sum of fifty pounds and John Man and Wm. Norris his Sureties in the Sume of twenty five pounds Each to be levied upon their goods and Chattles lands and tenements with Condition that the Said Wm. Wilson personally Appear at the next Generall Court to be holden for this province the last tuseday in March next and there to answer to what Shall be laid to his Charge on the Queens behalf.

<412> William Scarborrow being bound over and Solemnly Called Defalt fecit.

Antho. Alexander being bound over and Solemnly Called Defalt fecit.

Willm. Jenings Junior being bound over and Solemnly Called Defalt fecit.

John Daily being bound over and Solemnly Called Defalt fecit.

Edwd. James being bound over and Solemnly Called Defalt fecit.

Obadiah Rich being bound over and Solemnly Called Defalt fecit.

James Beals being bound over and Solemnly Called Defalt fecit.

Philip Torksey being bound over and Solemnly Called Defalt fecit.

Timothy Ryall being bound over and Solemnly Called Defalt fecit.

Edwd. Farecloth being bound over and Solemnly Called Defalt fecit.

John Cartwright being bound over and Solemnly Called Defalt fecit.

Thomas Meridith being bound over and Solemnly Called Defalt fecit.

Henry Hayman Junior being bound over and Solemnly Called Defalt fecit.

John Benit Senior being bound over and Solemnly Called Defalt fecit.

<413> James Welch being bound over and Solemnly Called Defalt fecit.

James Lee being over and Solemnly Called Defalt fecit.

Orlando Pain being bound over and Solemnly Called Defalt fecit.

John Man being bound over to Appear at this Court made his Appearance.

Thos. Long and Robert Sanders Essoynd.

The Marshall was Commanded to Arrest the Body of Wm. Outerbridge and the writt being returnd non est Inventus the plantiff prays Attachment may Issue out.

Ordered that Capt John Heclefield have attachment against the Estate of Wm. Outerbridge.

This Court having taken into their Consideration the deplorable Calamitys the Goverment lies under by the horrible Massacre and daily Insults of the Indians which have in a great measure obstructed the Course of Justice and Courts of Judicature

Ordered that all Recognizances at the Quens Suit and all other process be Continued to the next Generall Court to be held for this Goverment the last tuseday in March next.

[*Signed:*]

N. Chevin, Franc. DeLaMare, Jonathan Jacocks.

[*March 1712*]

[*CCR 104*]

<414> North Carolina Ss.

Att A Generall Court holden at the house of Capt. Jno. Hacklefeild in Little River the 25 March 1712 Present The Honorable N. Chevins, Wm. Reed, Tho. Peterson, Fra. Delamare Esqrs. Justices.

The Court being opened Apeard Gabriel Nuby Wm. Vaughan Tho. Sparrow Orlando Paine Cornelious Jones Wm. Willson Phil Torksey Wm. Scarborow John Cartwright: being all bound over by Recognizances and are Continued to the next Generall Court the Last Tuseday in July next.

Wm. Armour being allso bound over and Apears with Jno. Meads his Surety and on his Submission is Dischargd with paying Costs.

Tho. Johnson being bound over to this Court for Sundry Crimes and misdemeaners

Orderd that Daniel Gutry take into his Custody the aforsaid Tho' Johnson and him Safely Convey and Deliver into the hands of Laurens Sarson Esqr. Provost Marshall And that a mittimus be prepared Directed to the Said Sarson to Hold the Said Johnson under Close Confinement till he Shall be Deliverd by Due Course of Law which was accordingly done.

And then the Court Adjourn'd till the last tuseday in July to the house of Capt. Tho. Lee Att Chowan.

[*Signed:*]
N. Chevin, Wm. Reed, Tho. Peterson, Fra. Delamare.

[*July 1712*]

[*CCR 104*]

<415> No. Carolina Ss.

Att A Generall Court holden for the province aforesaid att the house of Capt. Thos. Lees in Chowan on Tusday The 25th Day of July Annoque Domini 1712 present major Christo. Gale, Fra. Delarmare, Capt. Thos. Relfe, Thos. Garrett Esqrs. Justices

A New Comission of Oyer and Terminer and Generall Jale Delivery fore the body of this Goverment being duly publisht the Severall Justices above Mentioned Tooke and Subscribed the Severall oathes by law appointed to be Taken together with the oath of a Justice of the peace and Tooke their places att the board.

The Acts made and Ratifyed the Last Session was publickly Read in open Court.

And Then the Court adjourn'd Till the Morrow morneing Six of the Clock.

Wednessday Six of Clock the Court meet present utt Supra.

Our Soveraigne Lady the Queen by Edwd. Bonwick attorney Generall Comes to prosecute his Suite against Wm. Swann and Declers for the Sume of one hundred and one pounds Fifteen Shilling due to the plaintiff for nonpayment of

Three Bills of Exchange of the Same Tenor and Date Drawn on mr. Micajah perry and Company Merchants of London and Fifteen pound: Five Shillings and Six pence Sterling due fore The protest of the aforesaid bills according to the Custom in america and the Defendant in his proper person Comes and Defends the Wrong and Injury When etc. and Saith Action Not etc. <416> because That Since the passing of the bills in the Declaration Speccified he hath paid and Satisfied unto hir our Soveraigne Lady the Queen the Sume of one hundred and one pounds Five Shillings and Eleven pence Sterling part of the aforesaid Sume of one hundred and one pounds Fifteen shillings therein mentioned and this he is ready to averifye and therefore prayes Judgment whether the plaintiff hir action etc. against him ought to have and mainetaine Etc. and the plaintiff fore Replication Saith That the Defendant hath not paid Wm. Swann the Said Sume of one hundred and one pounds Five shillings and Eleven pence in maner and forme etc. and for Tryall put himselfe upon the Country and the Defendant likewise.

Bonwick Seal Domina Regina
Wm. Swann

Wherefore it was Comanded the Marshall that he Cause to come etc. to whome etc. and by whome etc. who neither etc. and there came (videlicet) Major Jeames Coles Capt. Jno. pettifer Capt. Thos. Collings Mr. Jea. Thigpenn mr. Saml. Parsons mr. Jos. Sheckleton mr. Jno. Tarkenton mr. Jno. Harsell mr. Jeames Farlow mr. Wm. Wallston mr. Thos. Spikes Mr. Wm. Ragdall who being Sworne Say we of the Jury doe find fore the plaintiff Nine Shillings one peny.

Ordered That the aforesaid Wm. Swann pay unto our Sovrigne Lady the Queen the Sume of Nine Shillings and one peny with Costs alias Execution.

A Convayance of a Tract of land from Patrick Lawley and patience his wife to Wm. Henten was proved by the oath of Henry Hill and accknowledged in open Court by the Said pat. lawley to the Said Wm. Henten.

Ordered to be Registered.

Upon petition of Jos. Hall Shewing That as he Maried the Widdow and relict of Phillip Howard late of Bath County Deceased There fore prayes That administration of the Goods and Chattles Rights and Creditts of the Said Phillip Howard may be Granted to him in Right of his wife.

Ordered That the Said Jos. hall as marieing the Widdow and relict of Phill. Howard that administration of all and Singular the Goods and Chattles Rights and Creditts of the Said Howard be Granted Equally to him and his wife etc.

<417> A Convayance of a Tract of Land lyeing on the East side of Scupernon River was accknowledged in open Court by Robt. Fewox Feoffor to Edwd. Flelphs Feoffe and likewise Matha. wife of the Said Robt. Fewox Came and in open Cour accknowledged hir Right of Dower to the aforesaid land.

Ordered to be Registerd.

Thos. Gailer and [*blank*] his wife Came into Court and openly accknowledged the Sale of a Tract of land lyeing on the west side of Scupernon Containeing 206 acers unto Jno. Tarkenton and the Same was ordered to be Registered.

A power of attorney from Wm. Moodey and ann his wife to Jno. forkner was proved in Court by the oath of Edwd. Berrey one of the Evidences thereunto by vertue of which power of attorney the Said Jno. forkner accknowledged A Con-

vayance of a Tract of land lyeing upon Morrattock River from the aforesaid Wm. Moodey and ann his wife to Jno. Bentley of Chowan precinct.

Ordered that the Said Convayance together with the Said power of attorney be Rigesterd.

A power of attorney from Susan Costen of Nancey Mum County in virginia to Henry Hill was proved in Court by the oath of Jea. Farlow by vertue of which power the Said Henry Hill accknowledged in open Court the Sale of a Tract of land lyeing in Chowan precinct from the Said Susan Costen to Symon Knight.

Orderd that the Said Deed of Sale be Registered and the Said power of attorney likewise.

Upon petition of Jno. Holdbrook praying to prove the will of his Deceased Brother Jos. Holdbrook the Same was proved by the Oath of Danl. Halsey.

Nathl. Chevin Esqr. Comes to prosecute his Suite against Geo. Griffen in a plea of the Case and Declares that the Said Geo. Stands Justly Indebted to him in the full Summe of one pound one Shilling as by account may appear and the Defendant Came not whereupon the plaintiff prayed an order against the marshall <418> and the Marshall Came into Court and prayed an attachment against the Defendants Estate which is Granted.

Nath. Chevin Esqr. comes to prosecute his Suite against Jno. Hawkins in a plea of the Case and Declares that the Defendant Stands Justly Indebted to the plaintiff in the Summe one pound Five Shillings and the Defendant Came not whereupon Larance Larson provest marshall Came into Court and assumed payment of the Debt and Costs.

Ordered That Larance Larson Esqr. pay the honorable Nath. Chevin Esqr. the Sume of one pound Five Shilling with Costs alias Execution.

The honorable Nath. Chevin Esqr. attorney of Cornealius Bennington Mariner of Boston comes to prosecute his Suite against Wm. Hartley in a plea of Debt and Declares the Defendant Stand Justly Indebted to the plaintiff in the quallification aforesaid in the full Sume of Thirteen pounds Seven pence by one Instrument of Wrighting obligatory under this proper hand and Seale etc. and the Defendant Came in person into Court and Confesses Judgment.

Ordered That Wm. Hartley pay the honorable Nath. Chevin Esqr. attorney of Cornelias Benington the Said Debt according to Speciallty with Costs alias Execution.

The honorable Nath. Chevins Esqr. comes to prosecute his Suite against Jno. Stansill and Saith the Defendant Stand Justly Indebted to him the plaintiff in the Summe of Four pounds Twelve Shillings and Five pence as in and by one Certaine Wrighting obligatory under his proper hand and Seale into Court brought Dated the 18th day of May 1709 Doth appeare and the Defendant in his own person Came into Court and Confesses Judgment of the aforesaid Debt.

Ordered that Jno. Stansall pay the honorable Nath. Chevin Esqr. the aforesaid Debt according to Speacillty with Costs alias Execution.

Tobias Knight Esqr. assigne of Edwd. Moseley Esqr. comes to prosecute his Suite against Wm. Stevens (alias) wm. Stevens of the precinct of Chowan planter and Saith that the Said wm. Doth owe and Stand Justly Indebted unto him the Said Tobias in the quallification aforesaid in the Sume of Five pound Five

Shillings and Ten pence as by his Obligation past to the Said Edward may appeare and the Defendant in his proper person comes into Court and accknowlede the Said Debt as Declared and Confest Judgment fore the Same.
<419> Ordered That Wm. Stevens pay unto Tobias Knight Esqr. assigne of Edwd. moseley the Sume of Five pounds Five shillings and Ten pence according to Speciallty with Costs alias Execution.

Tobias Knight Esqr. by Nath. Chevin Esqr. comes to prosecute his Suite against Saml. Paine in a plea of the Case and Declares That the Defendant Stands Justly Indebted to the plaintiff in the Sume of one pound Ten Shillings and Six pence as by his account into Court brought may appear and the Defendant Came not and upon prayer of the plaintiff

Ordered That the Marshall of albermarle County have the body of the Said Saml. paine at the next Generall Court to be holden at the house of Capt. Jno. Hecklefeilds in little river the last Tusday in october next alis Judgment finally to be awarded against the Said marshall.

Tobias Knight Esqr. by Nath. Chevin Esqr. his attorney comes to prosecute his Suite against Wm. Jenings Senior in a plea of the Case and Declares That the Defendant Stand Justly Indebted to the plaintiff in the Summe of one pound Three Shillings as by an account into Court brought may appeare whereupon the Said Wm. Jenings was Called to make answer thereto but Came not and upon Motion of the plaintiff

Ordered That the Marshall of albermarle County have the body of the Said Wm. Jenings Senior att the next Generall Court to be holden fore this province the last Tusday in October next alias Judgment against the Marshall.

Nath. Chevin Esqr. attorney of Mrs. Margrat Tench comes to prosecute his Suite against Jno. Dickes and prayes the Same may be Continued Till next Court which was Granted.

Nath. Chevin Esqr. comes to prosecute his Suite as assigne of Jno. Bishopp against Jno. Relfe in a plea of Debt and Declares that the Defendant Stands Justly Indebt to him in the Quallification aforesaid in the Sume of Six pounds Five Shillings and Tenn pence by his Sertaine writting obligatory under his hand bareing Date the Fourteenth day of March anno Domini 1710 may appeare Relation being thereto had and the Said Jno. Relfe being Called to make answer thereunto Came not and upon prayer of the plaintiff
<420> Ordered the marshall have the body of the Said Jno. Relfe att the next Generall Court to be holden the Last Tusday in October next alias Judgment to pass against the Said marshall.

Matha. Wainwright versus Jno. Norton: Discontinued by the Court.

Johnson versus Blacke: Discontinued by the Court.

Tobias Knight Esqr. by Nath. Chevin Esqr. his attorney Comes to prosecute his Suite against Henry Creach in a plea of Debt and Declares fore the Sume of one pound Five Shillings by bill bareing Date the Twenty Fifth day of Febry. 1707/8 and the Defendant being Sollomly Called Came not whereupon the plaintiff prayes an attachment against the Goods and Chattles of the Defendant which was Granted.

Tobias Knight Esqr. by Nath. Chevin Esqr. his attorney comes to prosecute his Suite against Jno. Relfe: Cooper: and Declares as per narratio and the Defendant

not appeareing the plaintiff prayed That the Same might be Continued Tell the next Generall Court which was Granted.

Blish versus Ryall: Discontinued by the Court.

John Blish marchant comes to prosecute his Suite against Roland Buckley and Saith that the Said Roland Doth owe and Stand Justly Indebted to him in the full Sume of one pound Twelve Shillings by account and the Said Roland being Called to make answer thereto Came not and upon motion of the plaintiff

Ordered that the Marshall have here the body of the Said Roland Buckley at the next Generall Court to be holden the last Tusday in October next alias Judgment to pass against the marshall.

John Blish marchant comes to prosecute his Suite against George Hariss Defendant in a plea of the Case and Saith that he the Defendant Stands Justly Indebted to the plaintiff in the Sume of one pound and Six pence and the Defendant being Call Came not and upon prayer of the plaintiff

Ordered That the Marshall have here the body of the Said George Harris at the next Generall Court to be holden the Last Tusday in October next alias Judgment to be awarded against the marshall.

John Blish marchant comes to prosecute his Suite against Thos. Sparrow in a plea of the Case and Declares for Eight barrills Pork as per narratio and the marshall haveing returnd a non est Inventus on the warrant <421> the plaintiff prayed an Attachment against the Defendants Estate which was Granted.

Jno. Blish marchant comes to prosecute his Suite against Peter Musheo Defendant and Saith that the Said Defendant Doth Stand Justly Indebted to him the plaintiff in the full Sume of one pound Two Shillings and Two pence by account bareing Date the Third Day of Septr. 1709 and the Defendant being Called to make answer thereto Came not And upon motion of the plaintiff

Ordered that the Marshall have the body of the Said Peter musheo at the next Generall Court to be holden fore this province the last Tusday in October next alias Judgment against the Marshall.

Jno. Blish marchant come to prosecute his Suite against Henry Buckley and Declares That the Defendant Stands Justly Indebted to the plaintiff in the full Sume of one pound Twelve Shillings and the Defendant being Called Came not and upon prayer of the plaintiff

Ordered that the Marshall have the body of the Said Henry Buckley at the next Generall Court alias Judgment to pass against the Marshall.

A Convayance of a Tract of land lyeing in the precinct of Chowan was accknowledged in open Court by Nath. Avery and mary his wife unto Wm. Haughton.

Ordered to be Registered.

A will of Wm. Benberys was proved in open Court by the Oathes of Collonel Edwd. Moseley and Henry Bonner.

Upon an appeale of the honorable Collonel Robt. Daniel against Major Christo. Gale in a plea of the Case from a Judgment of the Justices at a Court held att Bath Town on the Fifteenth day of Janry. 1709 and no Reasons being assigned nor the appeale duely prosecuted

Ordered That the Said Major Christo. Gale have hir Majestyes writte of prosedendo Issued out of this Court to the Justices of Bath County to award Execution

for the Debt and Damages recovered by the Same Judgment and for the accrewing Costs.

<422> A power of attorney from Cullumb Flinn and margrett his wife to Jno. worsley was proved in open Court by the Oathes of Mr. Saml. Norton and Jeames welsh by vertue of which power he the Said Jno. worseley accknowledged the Convayance of a Tract of land lying in the precinct of Chowan unto Argall Symons.

Ordered That the Said Convayance be Registerd and the power of attorney recorded.

A Deed of Sale for land from Margratt Phillbert to Nicko. Phillbert was proved in open Court by the Oathes of Lamwell Tailer and Peter Hore.

Ordered that the Same be Registerd.

An assignement of a patent from Danl. Garrett to Thos. Haines was accknowledged in open Court by the Said Danl. Garrett in his proper person.

Ordered that the Said assignement be Registerd.

Argall Symons personally Came into Court and accknowledged a Deed of Sale of land to Danl. Garrett.

Ordered to be Registered.

Our Soveraigne Lady the Queen by Edwd. Bonwick Esqr. hir Majestyes attorney Generall comes to prosecute hir Suite against Wm. Swann of a plea that he render to hir the Sume of one hundred ninty Five pounds Sterling which to hir he oweth and from hir he unjustly Detaineth etc. and also the Sume of Twenty nine pounds Five Shillings for nonpayment of the bills Exchange etc. and the Defendant in his proper person Comes and prayes Oyre of the bills of Exchange mentioned in the Declaration whereupon the plaintiff by hir attorney aforesaid prayes day to produce the Said bills.

Ordered That the plaintiff has Day Given to the next Generall Court to produce the Same accordingly.

Thos. Peterson Esqr. agent of the new Pensilvania Company comes to prosecute his Suite against George Harris in a plea of the Case and Declares for the Sume of Nine pounds Thirteen Shillings and Eleven pence upon his assumtion on account of David Pritchard Deceased and the Defendant Came not whereupon the plaintiff prayed an order against the Marshall.

Ordered that the marshall have the body of Geo. Harris at the next Generall Court alias Judgment against the Marshall.

<423> Thos. Peterson Esqr. attorney of Micajah perrey and Company Comes to prosecute his Sire facias against Thos. Collings administrator of the Goods and Chattles of Alce. Collings Deceased on a former Judgment Claimed in this Court for the Sume of Eighteen pounds Twelve Shillings with Costs and the Defendant in his proper person Came and Confest the aforesaid Debt and Judgment had thereupon and Can Show no Cause why the Samie Judgment Should not be Confirm'd.

Ordered that the former Judgment be Confirm'd and That the Said Thos. Collings doe pay to the Said Thos. Peterson in the Quallification aforesaid the aforesaid Sume of Eighteen pounds Twelve Shilling with Costs alias Execution.

Thos. Peterson Esqr. agent of the new Pensilvania Company comes to prosecute

his Suite against Thos. Colling Defendant in a plea of Debt and Declares fore the Sume of five pounds Ten Shillings by a Certaine wrighting obligatory under the proper hand and Seale of the Defendant bareing Date the 24th day of Decemr. 1705 and the Defendant in his own person Comes and Confesses.

Ordered That the Said Thos. Collings pay unto the Said Thos. Peterson Esqr. the Sume of Five pounds Ten Shillings with Costs alias Execution.

Thos. Peterson Esqr. Agent of the new Pensilvania Company Comes to prosecute his Suite against Wm. Ivy in a plea of Debt and Saith that the Defendant Stands Justly Indebted to the plaintiff Quallified as aforesaid the Sume of Five pounds by his writteing obligatory under this proper hand and Seale bareing Date the 2d day of Janry. 1704/5 and the Defendant by Thos. Snoden his attorney Comes and Confesses.

Ordered That Wm. Ivy pay unto the Said Thos. Peterson Esqr. in the Quallification aforesaid the Sume of five pounds with Costs alias Execution.

Mary Lawson Executrix of the Last will and Testament of Jea. fewox Deceased by Thos. Snoden hir attorney comes to prosecute hir Suite against Thos. Collings in a plea of Debt and Saith that the Defendant Stands Justly Indebted to the plaintiff in the full Sume of Fourteen pounds by his Certaine writting obligatory under his proper hand bareing Date the 17th day of Febry. 1710/11 <424> and the Defendant in his proper person comes and Confesses Judgment of the aforesaid Debt.

Ordered That Thos. Collings pay unto mary Lawson Executrix of the last will and Testament of Jea. Fewox the Sume of Fourteen pounds with Costs according to Specialty alias Execution.

Thos. Peterson Esqr. agent of the new Pensilvania Company comes to prosecute his Suite against Capt. Jea. Colles administrator of the Goods and Chattles of David Harris Deceased in a plea of Debt and Saith that the Defendant in the Said Quallification Doth Stand Justly Indebted to the plaintiff and Pensilvania Company in the Sume of Twenty Two Shillings with Cost of a former Suite as by a Certaine writteing under the hand of the Said David Harris bareing Date the 26th day of July 1705 may appeare and the Defendant in his proper person comes and Confesses Judgment of the Said Debt if assets be and upon prayer of the plaintiff

Ordered That the Said Capt. Jea. Colles produce an account to the next Generall Court of all and Singluar the Goods and Chattles Rights and Credits of the Said David Harris.

Thos. Peterson Esqr. Agent of the New Pensilvania Company comes to prosecute his Suite against Jno. Condon in a plea of Debt and Declares fore the Sume of five pounds nine Shillings and Eight pence and the Defendant appeares and Confesses fore the Sume of Two pounds five Shillings.

Ordered That the Said Jno. Condon pay unto Thos. Peterson Esqr. the Sume of Two pounds five Shillings with Costs alias Execution.

Thos. Peterson Esqr. attorney of Ralph Clark of Road Island comes to prosecute his Suite against wm. powers in a plea of Debt and Saith the Defendant Sands Justly Indebted to the plaintiff Quallified as aforesaid in the Sume of Two pounds five Shillings and the Defendant appeares and Confesses. Whereupon Jno.

palin Came and assumed payment of the Said Debt.

Orderd That John palin pay unto Thos. Peterson Esqr. in the Quallification aforesaid the Sume of Two pounds five Shillings with Costs alias Execution.

Thos. Peterson Esqr. agent of the New Pensilvania Company comes to prosecute his Suite against Jno. McDaniel in a plea of Debt and Saith that the Defendant Stands Justly Indebted to the plaintiff in the Quallification aforesaid in the Sume of Seventeen pounds Thirteen Shillings and Six pence and the Defendant by Capt. Thos. Relfe his attorney Came and Confest fore Three pounds Eighteen Shillings and Three pence.

<425> Ordered That John McDanl. pay unto Thos. Peterson Esqr. the Sume of Three pounds Eighteen Shillings and Three pence with Costs alias Execution.

A will of Jea. longes was proved in Court by the Oathes of Jeames Hawkins and Lenord Loften Evidences thereunto.

Thos. Peterson Esqr. Comes to prosecute his Suite against Juliania Lakers widdow in a plea of the Case and Saith that the Defendant Stands Justly Indebted to the plaintiff in the Sume of Thirty four pounds Eighteen Shillings and Two pence as by an account into Court brought may appear and the Defendant was Called to make answer thereunto but Came not and upon prayer of the plaintiff

Ordered That the Marshall have the body of the Said Juliana Laker att the next Generall Court alias Judgment to pass against the Marshall.

A power of attorney from Jno. Whitte of South Carolina to Collonel Wm. Brice was prov'd in Court by the Oath of Richd. Jasper one of the Evidences thereunto and ordered to be recorded.

A power of attorney from Barnaby Bull of South Carolina to Collonel Wm. Brice was prov'd in Court by the oath of Wm. Kirk one of the Evidences thereto and ordered to be recorded.

A power of attorney from Jno. Jeffery and Edmd. Wade to Danl. McFarlin was proved in Court by the Oathes of Jno. Tripp and Jno. Taneyhill Evidences thereto and the Same was ordered to be recorded.

Thos. peterson Esqr. Comes to prosecute his Suite against Richd. Lerrey in a plea of the Case and Saith That the Defendant doth owe and Stand Justly Indebted to the plaintiff in the Sume of Thirty pounds Six Shillings and Six pence as by account may appeare and the Defendant appeares and by Consent of both partyes it is Continued Tell the next Generall Court for a heareing.

A will of Wm. Longs was proved in open Court by the oathes of Jno. Foster and Jno. Stephen Evidences thereunto.

Stansill versus Walston Discontinued.

[*Signed:*]
C. Gale, Tho. Relfe, Franc. DeLaMare.

<426> Thos. Miller by Edwd. Bonwick his attorney comes to prosecute his Suite against Jno. Relfe in Tresspass upon the Case and Saith that the Defendant Stands Justly Indebted to the plaintiff one Stear of Three yeares old as per Narratio and the Said Jno. Relfe was Sollomly Called to make answer thereto but Came not whereupon the plaintiff prayd an attachment against the Estate of the Said Defendant which is Granted accordingly.

Capt. Wm. Ralison and Company comes to prosecute his Suite against Richd. Leary in a plea of the Case and Saith That the Defendant Stands Justly Indebted to the plaintiff for the Sundry wares Goods and marchantdises received of the plaintiff as per narratio and the Said Defendant in his proper person Comes and Confesses fore the Sume of Twenty Two pounds Two Shillings and Three pence.

Ordered That Richd. Leary pay unto Wm. Rawlison and Company the Said Sume of Twenty and Two pounds Two Shillings and Three pence with Costs alias Execution.

Capt. Thos. Relfe versus Wm. Ivy Continued Till Next Generall Court by Consent of plaintiff and Defendant.

And Then The Court Adjorned till to morrow morneing Eight of the Clocke.

Thursday Eight of the Clocke the Court Mett and Satt present utt Supra.

Frad. Jones by Maxlron. Bush his attorney Comes to prosecute his Suite against Wm. Duckenfield Esqr. in a plea of Debt and Saith That the Defendant Stand Justly Indebted to the plaintiff in the full Sume of five Hundred pounds Sterling due for non payment of two hundred Sixteen pounds 13 Shillings and 4 pence as by one obligatory Writteing under his proper hand and Seale bareing Date the first Day of March one Thousand Seven hundred and Eight may appear being into Court brought and the Defendant by Edwd. Bonwick his attorney comes and prayes an Imparlance to the next Generall Court which is over Ruled and the Defendants attorney thereupon assumes That unless the Said Defendant Shall within one month from the Date of this record fyle an Issuable plea to the aforesaid action by the plaintiff Brought and doe plead to the Sume the next Generall Court Then Judgment finally to be awarded against him.

Ordered That it be a Rule of this Court That the Defendant Shall fyle an Issuable plea and plead Utt Supra etc.

A Deed of Sale for land from Nicko. Britman to Thos. Long was in open Court accknowledged by the Said Nicko. Britemann in his proper person.

<427> Ordered to be Rigesterd.

A power of attorney from Richd. French to Eliz. his wife was proved by the Oath of Joseph Sutten one of the Evidences thereto.

Ordered to be Recorded.

Isacc Willson personally Came into Court and accknowledged a Deed of Sale of Land unto Richd. Swinnson.

Ordered to be Registerd.

Upon a Information of Edwd. Bonwicke Esqr. hir Majestyes attorney Generall against Abraham hobbs That he The Said abraham by a former Judgment of this Court was banisht this Goverment forever as in and by the Said Judgment remaineing upon record may and Doth appeare but he the Said abraham hobbs haveing Made his Escape from the Marshall before Execution of the Said Judgment Continued Still in this Country Contrary to the aforesaid order of this Court.

Ordered That the Marshall Take into his Custody the body of the Said abraham hobbs and make due and faithfull Execution of the Judgment aforesaid which is hereby affirmd and revived and that the Marshall be Satisfied his Fees out of the Estate of the Said abraham hobbs.

Emanll. Cleves Comes to prosecute his Suite against Collonel Thos. Cary and Declares fore the Sume of one hundred pounds as per Narratio and a non est Inventus being return'd on the Writte the plaintiff prayed an attachment against the Estate of the Defendant which is Granted accordingly.

Thos. Odill comes into Court without writte in his own proper person and Confesses Judgment for the Sume of Ten pounds to Joseph pegges who appeares by Thos. Snoden his attorney and the Said Jos. pegges by his Said Attorney Thereupon prayed by reason of his Insolvency That the Said Thos. odill might be put in Custody of the Marshall Tell he had Secured payment of the Said Debt.

Ordered That the Marshall Take into his Custody the body of the Said Thos. odill untill he hath Satisfied the aforesaid Debt with Costs.

<428> Jno. Blunt Esqr. Came and Tooke and Subscribed the Severall Oaths by Law appointed fore his Quallification together with the oath of a Justice and Tooke his place att the board.

Jno. Bentley personally Came into Court and accknowledged the Sale of a Tract of land to alex. Smyth.

Ordered to be Registerd.

Upon petition of Wm. Philps by Thos. Snoden his attorney prayes as Marieing ann the Widdow and Relict of Henry Cookson Deceased that administration of the Goods and Chattles Rights and Credits of the Said Henry Cookeson may be Joyntly Granted to him and his wife.

Orderd That they have administration according as prayd and That Jno. Hobbkins Henry Coggwell Wm. Zerton and Jea. Ward or any three of them Inventory and apprise the Estate of the Said Henry Cookeson being firs thereunto lawfull Sworne before a Majestrate.

Edwd. Bonwicke Esqr. hir Majestyes Attorney Generall come to prosecute an Information to him Made against Nickolas Crisp and Saith That the Said Nicko. not haveing the feare of God before his Eyes but led away by the Instigations of the Devil an assalt did make on the body of Major Thos. Luten Contrary to the peace of our Soveraigne Lady the Queen that now is etc. and the Said Nicko. appears and Confesses the fact aforesaid and prayes to Compound with the Queen fore his fine for Breach of hir Majestyes peace etc.

Ordered That the Said Nicko. Crispp be find the Sume of five pounds and That he Continue in Custody of the Marshall untill he hath paid or Secured to be paid the Said Sume with the accrewing Charge and that he give Sufficeint Security fore the Sume of Twenty pound for his Good behaviour Tell Next Court.

Palin v. Glaister appeale Cura advisare vollimus.

Upon petition of Emanl. Low praying to Come to his Tryall or be admitted to baile The Court is of oppenion he may be admitted to Baile.

<429> Whereupon the Said Emanl. Low accknowledged himselfe bound unto our Soveraigne Lady the Queen in the Sume of one hundred pounds Sterling and major Jea. Coles and mr. Johnathan Jacoks in the Sume of Fifty pounds Sterling Each to be Leved upon their Severall Lands and Tenements Goods and Chattles on Condition That the Said Emanl. Low Shall personally appeare at the next Generall Court to be held for this province the Last Tusday in octor. next Then and there to answer fore the Crimes of Treason and rebellion for which he Stands

Comitted and therewith they the Said Emanl. Low major Jeames Coles and Jonathan Jacokes doe Severally Say they are therewith Content.

Upon petition of Wm. Barrow and Robt. Morgan

Ordered That the Said Wm. Barrow and Robt. Morgan be Dismist from their bonds paying their Charges and Then the Court adjorned fore halfe an hower.

Att halfe an hower the Court meett and Satt.

Chevin attorney versus Bunten attachment Continued Till next Court.

Chevin attorney versus Cary attachment Continued Till next Court.

Upon petition of Richd. Batchelder

Ordered that the Said Richd. Batcheld be allowed the Sume of Eight Shillings and four pence for his Travill and attendance be Sumons as an Evidence at the Suite of mary Lawson against Thos. Collings alias Execution.

Upon petition of antho. Hatch and Jno. palin

Ordered That the Said Antho. Hatch and Jno. palin be allowed The Sume of Eleven Shillings and Eight pence Each for their Travill and attendance Sumoned as Evidences att the Suite of Thos. Peterson Esqr. against Thos. Collings alias Execution.

And Then The Court adjorned Till the Court in Corse and then to be held at the house of Capt. Jno. Hacklefeilds in Little River.

[*October 1712*]

[*CCR 189*][4]

No. Carolina Ss.

Att a Generall Court holden at the house of Capt. Jno. Hecklefield in Little River on the 28th day of Octor. Anno Domini 1712. Present The Honorable Major Christo. Gale, Fra. Delamare, Thos. Relfe Esqrs. Justices.

The Court being Called in the useall forme Edwd. Moseley Esqr. preferd a petition of behalfe Low[5] Setting forth as per petition.

And Then the Court adjour'd Till tomorrow morneing Eight of the Clocke.

Wednessday Eight of the Clock the Court Meett and Satt. Present utt Supra.

The Gentlemen of the Grand Jury were Sworne and are as followeth (videlicet) Wm. Duckenfeild Esqr., Mr. Wm. Swann, Mr. Richd. Mardren, Mr. Thos. Miller, Mr. Richd. Stamp, Mr. Ebenzer Whitte, Mr. Brian FitchPatrick, Mr. Cornelis FitchPatrick, Mr. Jona[*illegible*] Bateman, Mr. Antho. Allex[*illegible*], Mr. Wm. Willson mariner, Mr. Fra. Carsewell, Mr. Andrew Willson, Mr. Mathew Mittchett, Mr. Thos. Collings, Mr. Fra. Henry.

Upon petition of mary Hobbs praying administration as Gratest Creditor on the Goods and Chattles of David Wharton of Bath County Deceased

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[4]Although these minutes are rough or scratch minutes, they are better preserved than the smooth or finished minutes in CCR 103.

[5] In CCR 103 this name is rendered as "Emanl. Lowe."

Ordered that She have administration as prayd and that She Give Securety fore the faithfull administratin of the Sume haveing proved an account in Court upon oath against the Estate of the Deceased to the vallue of Twelve pounds nineteen Shillings and a peny halfe peny.

Obadiah Fare and ann his wife personally Came into Court and accknowledged the Conveyance of a Tract of Land to Jno. Lewis.

Ordered to be Rigesterd.

Margrett Slatter Spencer Exhibitted an Inventory upon oath of the Goods and Chattles of Gillbert Smyth Deceased to this Court.

Ordered that the Same be returnd into the Secretarys office.

And now at this Court to witt the Last Tusday in octor. 1712 Came Nath. Chevin Esqr. and prayd that the marshall would bring forth the body of Geo. Griffin according to order of the Last Court who being Sollomly Calld Came not Whereupon the plaintiff prayd that Judgment might be Confirm'd against the Said Marshall.

Orderd that the Marshall of albermarle County pay unto Nath. Chevin Esqr. the Sume of £1 1*s*. with Costs alias Execution.

And the Said Marshall Came into Court and prayd Continuance of the attachment against the Estate of the Defendant which was Granted.

And now here att this Court Came Nath. Chevin Esqr. assignee of Jno. Bishopp and prayd that the Marshall might bring forth the body of Jno. Relfe According to Order of the Last Court to make an [*torn*] to the Said Declaration who personally Came and Confest Judgment.

Ordered that Jno. Relfe pay to Nath. Chevin Esqr. the Sum [of] £6 5*s*. 10d. with Costs alias Execution.

Cornelis Rattliffe proves an account by his Subscription against the [*torn*] of Wm. Glover Esqr. Deceased the ba[*torn*] £29 12*s*. 7*d*.

And now here att this Court Came Mr. Jno. Blish Marchant and Movd that the Marshall would bring forth the body of Roland Buckley according to order of the Last Court who being Called Came not Whereupon the plaintiff pray'd that Judgment might be Confirmd against the Said Marshall which was Granted.

Ordered that the Marshall of albermarle County pay to mr. Jno. Blish Marchant the Sume of £1 12*s*. with Costs alias Execution.

And the Said Marshall Came into Court and pray'd an attachment against the Estate of the Said Roland Buckley which was Granted accordingly.

Likewise att this Court Came the mr. Jno. Blish and moved That the marshall might bring forth the body of Henry Buckley according to order of the Last Court who being Sollomly Called Came not whereupon the plaintiff pray'd that Judgment might be Confirmd against the Said Marshall which is Granted.

Ordered that the Marshall of albermarle pay unto Jno. Blish the Sume of £1 12*s*. - 0 with Costs alias Execution.

And the marshall prayd attachment against the Estate of the Defendant which is Granted.

Alsoe att This Court Came Mr. Jno. Blish and moved That the marshall would bring forth the body of Geo. Harris according to the order of the Last Court who being Sollomly Calld Came not whereupon the plaintiff moved the formerd Judgment Might be Confirmd against the Said Marshall which is Granted.

Ordered That the Marshall of albermarle County pay unto Jno. Blish the Sum of Twenty Shillings and Six pence with Costs alias Execution.

And the Said marshall personally Came into Court and prayd an attachment against the Estate of the Said Geo. Harris which is Granted.

And now alsoe at This Court Came mr. Jno. Blish and moved That the Marshall might bring forth the body of Peter Musheo according to order of the Last Court who being Sollomly Called Came not whereupon the plaintiff pray'd that Judgment might be Confirmd against the Said Marshall which is Granted.

Ordered that the Marshall of allbermarle County pay unto Mr. Jno. Blish the Sume of £1 2*s*. 2*d*. with Costs alias Execution.

And the Said Marshall Came into Court and prayd an attachment against the Estate of the Said Peter Musheo which is Granted.

Blish versus Sparrow in a plea fore Eight barrels pork: The attachment Continued Till next Court.

Walter Taner by Thos. Snoden attorney comes to prosecute his Suite against ambros McCoy and Saith That the Defendant Stands Justly Indebted to the plaintiff in the Sume Two pounds Thirteen Shillings and Seven pence as per narratio and the Defendant being Call'd Came not and upon prayer of the plaintiff

Ordered That the marshall have the body of the Said ambros mcCoy att the next Generall Court alias Judgment against the marshall.

Geo. Gladston and Thos. Snoden his attorney comes to prosecute his Suite against Jno. Lewis and Declares that the Defendant Stands Justly Indebted to the plaintiff in the Sume of £3 3*s*. 8*d*. and the Defendant appeares and Confesses.

Ordered That Jno. Lewis pay unto Geo. Gladstaine £3 3*s*. 8*d*. with Costs alias Execution.

And then the Court adjorned for halfe an hower.

Att halfe an hower the Court meett and Satt.

The Grand Jury upon their oaths present Henry Pendleton of etc. fore that he the Said Henry pendleton the first day of octo. Ano Domini 1712 att pascotanke aforesaid with force and Armes (videlicet) with Swords Staves and Knives on the body of Jacob Overman did make an assault etc. to which bill the Defendant Submitts and prayes to be admitted to his fine.

Ordered That he Continue in Custody of the marshall Till to morneing when his fine Shall be Considered of.

And then this Court adjorned Till to morrow morneing Eight of the Clock.

Thursday Eight of the Court Meett and was opened. Present utt Supra.

Ordered That Henry pendleton be fin'd the Sume of five Shillings and that he give Securety fore his good behaviour Till the [*torn*] Court and his appearance att the Said Court.

And Now here att This Court to witt [*torn*] in Octor. Came Ed[*torn*] Bonwicke Esqr. hir Majestyes Attorney Generall and produced the originall bills Exch[*torn*] in the Declaration Specified and prayd That the Said Wm. Swann might make answer to the Said Declaration who Came in his proper person and fore [*torn*] Saith That True it is That he the Said Wm. became Indebted unto our Said Soveraigne Lady the Queen by Bill of Exchange etc. and That Sine he became Soe Indebted as aforesaid he the Said Wm. hath well and Truely payd

unto hir our Said Lady the Queen the Sume of £194-18*s*.-6*d*. in past etc. and as to the aforesaid Sume of £29-5*s*.-0 Suposed to be due fore non payment etc. That there is no Such Custom amonge marchant in No. Carolina and this he is ready to avere and fore Tryall puts himself upon the Country and the plaintiff in like manner.

And then the Court adjournd for halfe an hower.

Att halfe an hower the Court mett and Satt.

A bill from andrew Foye and Jesper Floyd Joyntly and Severally bound to Fra. Carsewell was proved in Court by the oaths of Mathew Mittchett and Obadiah Faire Evidences thereto.

Capt. Jno. Hecklefield by Thos. Snoden his attorney comes to prosecute his Suite against Geo. Harris in a plea of Debt and Declares as Per narratio and the Defendant being Call'd Came not and upon motion of the plaintiff

Ordered that the marshall have here the body of the Said Geo. Harris at the next Generall Court alias Judgment against the Marshall.

Peterson versus Low and Vaughan in Company Continued Till next Court by Consent of plaintiff and Defendant.

Wm. Vaughan against Joseph Glasster in Ejectione firme fore 450 acers of land. The Defendant comes into Court and Confest Leass Entry and ouster, and prayes that his name may be putt in instead of the Casuall Ejector which is Granted.

Ordered That the Said Jos. Glasster appeare to the Declaration att the next Generall Court and plead the Generall Issue and Insist upon the Tytle only.

Wm. Vaughan in Ejectione firme against Joseph Glasster. The Defendant comes into Court and Confest leass Entry and ouster and prayes that his name may be putt in instead of the Casewell Ejector which is Granted.

Ordered That the Said Jos. Glasster appeare to the Declaration at the next Generall Court and plead the Generall Issue and Insist upon the Tytle only.

Upon petiton of Jos. Glasster

Ordered that Capt. Thos. Relfe one of the members of this Court doe Take the Diposition of ann palin Senior in an action depending Between Jos. Glasster and Wm. Vaughan Leass. of John palin who by reason of hir age Cannot appeare att this Court to give Evidence vive avocee.

Thos. Harris by Thos. Snoden his attorney comes to prosecute his Suite against Edwd. Willams and Declares as per narratio and the Defendant by Edwd. Bonwicke his attorney comes and prayes an Imparlance Tell the next Generall Court.

Ordered that the Defendant have day Given him till the next Generall Court the Same day is given to the plaintiff likewise etc.

Jno. Smyth marchant by Thos. Snoden his attorney comes to prosecute his Suite against andr. Willson and Declares fore the Sume of £4 11*s*. 8*d*. as per narratio and the Defendant in person appeares and Confesses.

Ordered That andr. Willson pay unto Jno. Smyth £4 11*s*. 8*d*. with Costs alias Execution.

Jno. Smyth marchant by Thos. Snoden his attorney comes to prosecute his Suite against Ebenezer Whitte and Declares fore £1 -3*s*. -0 as per narratio and the Defendant appeares and Confesses.

Ordered that the Defendant pay unto the plaintiff the Sume of £1 -3*s*. -0 with Costs alias Execution.

Phelphs versus Batchelder Discontinued by the Court.

Darkas Burtenshell by Thos. Snoden her attorney comes to prosecute hir Suite against Robt. Fewox in a plea of Debt and Declares fore the Sume of £1 10*s*. as per narratio and the Defendant in person comes and Confesses.

Ordered that Robt. Fewox pay unto Dorkas Burtenshell the Sume of £1 -10*s*. -0 with Costs alias Execution.

Tobs. Knight Esqr. comes to prosecute his Suite against Jea. Foster in a plea of the Case and Declares as per narratio fore the Sume of £1-10*s*. and the Defendant appears and Confesses.

Orderd That Jeames Foster pay unto Tobs. Knight Esqr. the Sume of £1 - 10*s*. with Costs alias Execution.

Richd. Morris by Thos. Snoden his attorney comes to prosecute his Suite against Jno. vallway in a plea the Case and Declares fore the Sume of [*blank*][6] as per narratio and the Defendant by Edwd. Mosely his attorney Comes and fore plea Saith nil debit per Pattent whereupon it was Comanded the marshall That he Cause to come Twelve etc. whome etc. by whome who neither etc. and there Came (videlicet) mr. Jno. Blish Robt. Fewox Jno. Lewis Obadiah Faire Jno. Dixs Jno. Neale Jeames Foster Jno. Core Ebenz. White Mathew Mittchet Johnath. Bateman Andr. Willson who being Sworne Say we of the Jury find fore the plaintiff 18*s*. - 06.

Ordered that Jno. vallway pay unto Richd. Morris Eighteen Shillings and Six pence with Costs alias Execution.

Robt. Comes by Thos. Snoden his attorney comes to prosecute his Suite against Bryan FitchPatrick in a plea of Debt and Declares That the Defendant Stands Justly Indebted to the plaintiff in the Sume of £120 Sterling as per narratio and the Defendant by Edwd. Moseley his Attorney comes and fore plea Saith as per plea, and the plaintiff by his attorney aforesaid to the aforesaid plea Doth Demurr Et per Causes assigned and the Defendant by his attorney Saith as per Replication which being matturlly Considered the Said Demurer is over Ruled.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Bryan FitchPatrick personally Came into Court and accknowledged a deed of Sale of Three hundred and Seven acers of land to Robt. Combs.

Ordered to be Registerd.

Edwd. Bonwick Esqr. hir majestyes attorney Generall Come to prosecute the presentment of the Grand Jury against Thos. Spencer and Saith as per presentment etc. and the Said Thos. in person Comes and fore plea Saith non Culpabilis and he who follows for our Lady the Queen Saith he is Guilty whereupon it was Comanded the marshall that he Cause to come Twelve etc. whome etc. by whome etc. who neither etc. and there Came (videlicet) Mr. Jno. Blish etc., [*blank*] who being Sworne Say we of the Jury find fore the Queen.

Orderd That Thos. Spencer be fined the Sume of Five Shillings and that he Continue in Costody of the marshall untill he hath paid or Secured to be paid his

[6] In CCR 103 the amount given is "Four pounds and Fifteen Shillings."

Said fine to [*torn*] with the Costs of Suite and that he Give Sufficent Security for his good behaviour for his appearance at the next Generall Court.

Glover administratrix versus Porter Sire facas return Nile and the plaintiff by Edwd. Bonwicke hir attorney prayes a Second Sire facias may Issue which is Granted.

Mary Lawson by Thos. Snoden hir Attorney comes to prosecute hir Suite against Robt. Fewox and Declares for the Sume of Eighteen pounds Seventeen Shillings and Six pence by account as per narratio and the Defendant in person comes and refers himselfe to the Judgment of the Court to Inquire of the Said Account and the plaintiff likewise who haveing Considerd the whole matter

Ordered That Robt. Fewox pay unto Mary Lawson £8 - 13*s*. - 0*d*. with Costs alias Execution.

Mary Lawson Executrix of the last will and Testament of Jeames Fewox Deceased comes by Thos. Snoden hir attorney to prosecute hir Suite against Robt. Fewox and Declares fore the Sume of £3 - 14*s*. - 2*d*. pd. to Issacc will on his assumsit to repay the Same which account being into Court brought is by Consent of the plaintiff and Defendant is refer'd to the Court to Consider of the Same who haveing Duely Consider'd the Same

Ordered that Robt. Fewox pay unto Mary lawson Executrix of the Last will and Testament of Jeas. Fewox the Sume of 3 -7 -9 with Costs alias Execution.

Mary Lawson Executrix of the Last will and Testament of Jea. Fewox by Thos. Snoden hir Attorney comes to prosecute hir Suite against Robt. Fewox and Declares for the Sume of £26 2*s*. -3*d*. as per narratio and the Defendant appeares and by Consent of plaintiff and Defendant is refer'd to the Court who haveing Considerd the whole account

Ordered That Robert Fewox pay unto Mary Lawson in hir Quallification aforesaid the Sume of £16: 4*s*. -2*d*. with Costs alias Execution.

Thos. Spencer Came into Court and accknowledged himselfe indebted to our Sovereign Lady the Queen in the Sume £10 and Antho. alex in the Sume of £5 in Condition etc. to which they Severall Say they are there with Content.

Saml. Holland marchant by Thos. Snoden his attorney comes to prosecute his Suite against Issacc Willson in a plea of the Case and Declares for the Sume of £44 14*s*. -6*d*. as per narratio and the Defendant being Call'd Came not and upon motion of the plaintiff by Said Attorney

Ordered that the marshall have the body of the Said Issaac Willson at the next Generall Court alias Judgment against the marshall.

Willam Horton by Thos. Snoden his attorney come to prosecute his Suite against Jeames Fleming in a plea of Debt and Declares for the Sume of Sixteen yds. of good ossenbriggs or 40*s*. in neat fresh porke as per narratio and the Defendant being Call'd Came not and upon prayer of the plaintiff by his Said attorney

It is ordered that the Marshall have the body of the Said Jea. Fleming att the next Generall Court alias Judgment against the Marshall.

Where for it was Comanded the Marshall that he Cause to come Twelve etc. to whome etc. by home etc. who neither etc. and there Came (videlicet) who being Sworne Say wee of the Jury find for the plaintiff The ballance of the account one Shilling and Six pence with Cost of Suite.

Ordered that Wm. Swann pay to our Soverigne Lady the Queen the Sume of one Shilling and Sixpence with Costs alias Execution.

And now here att this Court (videlicet) the Last Tusday in Octor. Came Tobs. Knight Esqr. and prayd That the Marshall would bring forth the body of Saml. Paine according to order of the Last Court who being Sollomly Called Came not whereupon the plaintiff pray'd That Judgment might be Confirm'd against the Said marshall which was Granted.

Orderd That the Marshall of albermarle County pay unto Tobs. Knight Esqr. the Sume of £1 - 10*s*. - 6*d*. with Costs alias Execution.

And the Said marshall prayes an attachment against the Estate of the Defendant which is Granted.

And now here att this Court Came Tobs. Knight Esqr. and moved that the marshall would bring forth the body of Wm. Jenings Senior according to an order of the Last Court who being Call'd Came not whereupon the plaintiff prayd That Judgment might be Confirm'd against the Said marshall which is Granted.

Ordered That the marshall of albermarle County pay unto The honorable Tobs. Knight Esqr. the Sume of £1 - 3*s*. 0 with Costs alias Execution.

And the Said marshall Came into Court and pray an Attachment against the Defendant Estate which is Granted.

And now here att this Court Came Tobs. Knight Esqr. and moved That the marshall might bring forth the body of Henry Creach according to order of the Last Court who being Call'd Came not whereupon the plaintiff prayd that the former Judgment might be Confirmd against the marshall which is Granted.

Ordered That the marshall pay unto Tobs. Knight Esqr. the Sume of £1 - 5*s*. - 0 with Costs alias Execution.

And the marshall Came into Court and prayd an attachment against the Estate of the Defendant which is Granted.

Jno. Fauknor by Thos. Snoden his attorney comes to prosecute his Suite against fra. Johnson and Declares as per narratio and the Defendant being Call'd Came not and upon prayer of the plaintiff

Ordered That the Marshall have here the body of Fra. Johnson att the next Generall Court alias Judgment against the Marshall.

Jno. Fauknor by Thos. Snoden his attorney come to prosecute his Suite against ann Fewox and Setts forth as per narratio and the Defendant in proper person appeares and Confesses fore Five pounds Eight Shillings and Six pence.

Ordered That ann Fewox pay unto Jno. Faulkner the above Sume of £5: 8*s*. - 6*d*. with Costs alias Execution.

Jno. Robinson by Edwd. Bonwick his attorney Come to prosecute his Suite against alex oliver and pray'd the Same might be Continued till next Court which is Granted.

And now here att this Court Came Wm. Duckenfield by Edwd. Bonwick his Attorney and fore plea Saith as per plea.

Whereupon it is ordered That the Said Wm. Duckenfield pay unto the Said Frad. Jones the aforesaid Sume of £200 - 11*s*. - 5*d*. according to Condition of the Obligatory writteing with Costs alias Execution.

Tobs. Knight Esqr. come to prosecute his Suite against Jno. Relfe in plea of debt from a Continuance the Last Court and Declares fore the Sume of £3 9*s*. 10*d*.

as per narratio and the Defendant in person appeares and Confesses.

Ordered that Jno. Relfe pay unto Tobs. Knight Esqr. the Said Sume of £3 9*s*. - 10*d*. with Costs alias Execution.

And now here att this Court (videlicet) the Last Tusday in Octor. 1712 Came Thos. Miller by Edwd. Bonwicke his attorney and moved that the mashall would bring forth the body of Jno. Relfe who Came and fore plea Saith he did not assume and fore Tryall putt himselfe upon the Country and the plaintiff likewise whereupon the marshall was Comanded That he Cause to come Twelve etc. whome etc. by whome etc. who neither etc. and there Came to witte, mr. Jno. Blish mr. Robt. morgan mr. Richd. Leary mr. Jno. Sawyer mr. Jos. peggs, mr. Watt. Price mr. Thos. avery mr. Robt. Fewox mr. Robt. Combs mr. Jno. Lewis mr. Obadiah Faire John Dicks who being Sworne Say we of the Jury find fore the plaintiff.

Ordered That the Said Jno. Relfe pay unto Thos. miller one Stear of Three yeares old with Costs of Suite alias Execution.

Wm. Godfrey personally Came into Court and accknowledged the assignment of a pattent Containeing 310 acers to Thos. Holloway.

Ordered to be Registerd.

Nath. Chevin Esqr. attorney Collonel Robt. Querry against Thos. Cary. Whereas the [*blank*] day of [*blank*] etc. hir majestyes Writte of Capias ad Respondendum Issued out against Collonel Thos. Cary for the Sume of £66 by account; in pitch and afterwardes to (videlicet) att a Court held etc. Came the marshall and made returne of the Said writte in these words (videlicet) nonest Inventus and thereupon the Said Nath. Chivin in his aforesaid Quallification comes and proves the account aforesaid and thereupon prayes an attachment etc. which was Granted and att the Last Court Came the marshall and made returne of the Said attachment as followeth etc. which was Continued to this Court and because it appears to the Justices here by Legall prosse that the before mention Sume of etc. is Justly due therefore it is Considerd by the Court here that the Goods and Chattles by the marshall Soe as aforesaid attacht be Condem'd to Satisfie the Said Debt to the Said Nath. Chivin in his aforesaid Capacity And its further ordered That the Said Marshall have the aforesaid goods and Chattles apprised according to act of assembly and make Sale of the Same to Sattisfie as well the Said Debt and Costs as the Costs accrewing.

Nath. Chevin versus Collonel Thos. Cary in attachment fore £1 - 1*s*. - 0 in Cash the prosecution thereupon had being utt Supra and ordered utt supra.

Jea. Beales and Wm. Willson Sumons as Evidences fore the Queen Sollomly Call'd appear'd not.

Ordered that they be Taken into Custody of the marshall Soe that they be and appeare att the next Generall Court to answer fore their Contempt.

Thos. Peterson by Edwd. Bonwicke his attorney comes to prosecute his Suite against Richd. Learry in a plea of the Case from a Continuance the Last Court as Said as per narratio and the Defendant in person appeares and prayes to prove an account against the plaintiff fore the Sume of £35 10*s*. which by Consent of the plaintiff attorney is Granted.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Wattkin price by Thos. Snoden his attorney comes to prosecute his Suite against Job. Cartwright in a plea of Tresspass on the Case and Declares fore one

black Gelding of eight pounds value as per narratio and the Defendant by Collonel Edwd. Mosely his attorney appeares and fore plea Saith That he is not Guilty of the Tresspass in maner etc. and the plaintiff in his Declaration has Sett forth and this he prayes may be Inquired of by the Country and the plaintiff likewise whereupon it was Comanded the marshall that he Cause to come Twelve etc. Whome etc. by Whome etc. who neither etc. and their Came (videlicet) mr. Jno. Blish Robt. Morgan Richd. Leary Jno. Sawyer Jos. peggs Thos. avery Robt. Fewox Robt. Comes Jno. Lewis Obadiah Faire Jno. Dickes Jno. Neale Thos. Swann who being Swome Say, we of the Jury find fore the Defendant.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

And then the Court adjornd for half an hower.

Att halfe an hower the Court Mett and Satt.

The Grand Jury made their presentments and are Dismist from further attendance at this Court.

Mr. antho. alex proved an account in Court against the Estate of Jeames fewox for the Sume of Two pounds and Ten pence the Executrix being present.

And then the Court adjour'd till tomorrow morneing Eight of the Clocke.

Fryday Eight of the Clock the Court being meet and Call'd.

Peterson versus Harris Continued till next Court upon motion of Edwd. Bonwick attorney of the plaintiff.

Peterson versus Lacker Dismist.

Jno. palin comes to prosecute his appeale against Jos. Glasster from a Judgment of the precinct Court of pascotanke upon a Curia advisare vult the Last Court and the Justices here haveing maturley Considered the matter it is ordered that the Judgment of the Said Court be reverst and that the appealant recover his Said Suite with Costs alias Execution.

Isaac Willson assignee of Patrick Eggerton by Thos. Snoden his attorney Comes to prosecute his Suite against Wallter Sessions in a plea of Debt That he render to him the plaintiff Quallified as aforesaid the Sume of £2 - 2*s*. - 9*d*. etc. and the Defendant was Call'd and Came not, and upon prayer of the plaintiff by his Said attorney

Ordered that the Marshall have the body of the Said Wallter Sessions att the next Generall Court alias Judgment against the marshall.

Isaac Willson by Thos. Snoden his attorney comes to prosecute his Suite against Martin Charles in a plea of the Case and Declares for £1: 18*s*. - 6*d*. as per narratio whereupon the Defendant was Call'd to mak answer thereto but Came not and upon Motion of the plaintiff by his attorney aforesaid

Ordered that the marshall have the body of the Said Martin Charles at the Next Generall Court alias Judgment against the Marshall.

Upon petition of Antho. Alex. Senior

Ordered that the Said antho. Alexander be allowd the Sume of 15*s*. for his Travell and attandce being Sumons as an Evidence by Bryan FitchPatrick at the Suite of Robt. Comes.

Upon petition of Antho. Alexander Junior

Orderd that the Said antho. Alex. Junior be allowd the Sume of 15*s*. for 3 dayes Comeing and goeing and 4 dayes attendance being [*torn*] [*illegible*] Evidence

by Bryan FitchPatrick at the Suite of [*torn*] [*illegible*].

Upon petition of Eben[ezer White]

Ordered That the Said Ebenezer White be allow'd the Sume of 15*s*. for his Travill and attendance being Sumon'd as an Evidence by Bryan FitchPatrick att the Suite of Robt. Comes alias Execution.

And Then the Court adjourn'd Till Mundy Morneing being the 3d. day of Nover.

On Mundy the 3d of November the Court Meett and Satt.

A power of attorney from Alae Buntin to Nath. Chevin Esqr. was proved by the Oath of Tobs. Knight Esqr. by vertue of which power the Said Nath. Chevin Esqr. accknowledged a Deed of Sale from hir the Said Alae to Collonel Edwd. Moseley.

Ordered that the Said Deed together with the power of attorney be Recorded.

And then the Court adjornd Till to morrow morneing nine of the Clocke.

Tusday morne the Court meett according to adjournment. Present The honorable Major Chrsto. Gale, Fra. Delamare, Thos. Relfe, Thos. Miller, Esqrs. Justices.

A New Comision of oyer and Terminer Generall Jale Delivery fore the body of this Goverment being Read the Severall person above named tooke and Subscribed the Severall oaths by Law appointed with the oath of a Justice of peace and tooke their places accordingly.

The honorable Major Christo. Gale comes to prosecute his Suite against Fra. Carsewell in a plea of Debt and Declares fore the Sume Two full gaged Barrills of pork as per narratio and the Defendant by Collonel Edwd. Moseley his attorney Comes and Confesses.

Ordered that Fra. Carsewell pay unto major Christo. Gale Esqr. the Sume of Two full Gaged barrels of [*torn*] according to Specialty alias Execution.

And then the Court adjorn'd till the Court [*illegible*].

[*Signed:*]
C. Gale, franc. DeLaMare, Tho. Relfe.

[*March 1713*]

[*CCR 103*][7]

<19> A will of George Gladstaines Deceased is proved by the oathes of Jno. Harsell [*illegible*] Breffett Evidences thereunto at Instance of mary Lawson Executrix thereunto.

A power of attorney from Robt. Fewox to Thos. Snoden was proved by the Oath [of] Jno. Harsell by vertue of which said power he the said Thomas Snoden accknowledged a Deed of Sale of Land from the said Robt. Fewox unto Jno. Lawson.

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[7] Scratch minutes from CCR 189 for this session of court indicate that March, 1713, is the correct date for these minutes which here are missing the initial page. The court convened at the house of John Hecklefield in Little River on March 31. Justices present were Major Christopher Gale, Francis Delamare, and Thomas Miller. Shortly after the court sat, Captain John Pettiver was sworn in as a justice.

Ordered That the Said Deed together with the Said power of attorney be recorded.

A Convayance for Three Hundred and Forty acres of Land lyeing on the Southwest Side of pascotanke River was accknowledged in Court by George Harris to Capt. Jno. Hecklefield.

Ordered to be Registered.

And then the Court adjourned till the morrow morneing Eight of the Clocke.

Wednessday Eight of Clocke the Court Meett and Satt. Present utt Supra.

Antho. Hatch Esqr. one of her Majestyes Justices of the peace for this Goverment Tooke and Subscribed the Severall oaths by law appointed for his Due Qualafication together with the oath of a Justice of peace and took his place att the board.

And then the Court adjourned for an hower.

Att an hower the Court meett and Satt.

Nath. Chevin Esqr. attorney of Collonel Robt. Quarry personally Came into Court and accknowledged a Convayance of a plantation and Tract of land lyeing on the So. west side of little river on the precinct of pequimons to Capt. Richd. Sanderson.

Ordered to be Registered.

Nath. Chevin Esqr. attorney Collonel Robt. Quarrey Esqr. personally Came into Court and accknowledged the Sale of a plantation and Tract of land Containeing Four hundred acers lyeing on the So. west Side of little river in the precinct of pequimans unto Capt. Richd. Sanderson.

Ordered to be Rigestered.

Upon petition of John Ferree produceing therewith an assignment from Mary Whitte widdow and Relict of vincent Whitte Deceased to the right of administration on the goods and Chattells of the Deceased

Ordered that the Said Jno. Ferree have administration on all and Singuler the Goods and Chattles of the Said vencent whitte Deceased and that Antho. Markum Senior Antho. Markum Junior Thos. Mackeell and Jno. Meades or any three of them Inventory and apprise the Estate of the Said vincent Whitte as the Same Shalbe Shewed unto them by the administrator being first thereunto Sworne before a Majestrate.

The Gentlemen of the Grand Jury were Sworne and are as followeth (videlicet) Mr. Jno. Jordan Mr. Ebenezer whitte Mr. Richd. Burtenshaw Senior Mr. Mathew Midgett Mr. Geo. Harris Mr. Batho. Phelps Mr. Saml. Paine Mr. Wm. Carsewell Mr. Jno. Triveaile Mr. Jno. Harsell Mr. Thos. Avery Mr. Jno. Whitte Senior Mr. Jno. Whitte Junior Mr. Wm. Jones Mr. Thomas Hickes Mr. Pat. Eggerton Mr. Jno. Clarke Mr. Jno. Hickes Mr. Fran. Hendrick.

Collonel Thos. Boyd Esqr. Comes to prosecute his Suite against Capt. Wm. Bray and Saith That the Defendant Stands Justly Indebted to the plaintiff in the full Sume of Forty Shillings which from him he unjustly Detaineth etc. and the Defendant being Called to make answer thereunto Came not Whereupon the plaintiff prayd an attachment against the Estate of the Defendant which was Granted.

<20> Collonel Thos. Boyd Esqr. Comes to prosecute his Suite against Danl. Mackee and Batho. Phelps in a plea of Debt and Saith that the Defendant Stands Justly Indebted unto him the plaintiff in the full Sume of Tenn pounds Currant money of No. Carolina and the Defendants in persons appeares and Confesses fore one Barrill Stone Pitch and one Barrill of good Sound Beefe and one good young Gentle Cow and Calfe according to the Condition of the obligation.

Ordered that the Said Defendants pay unto the Said Collonell Thos. Boyd plaintiff one Barrill Stone pitch one good Sound Barrill Beefe and one young Gentle Cow and Calfe with Costs alias Execution.

Capt. Jno. Petiver Esqr. Comes to prosecute his Suite against Batho. Phelps in a plea of Debt and Saith That the Said Batho. Stands Justly Indebted unto him the Said Jno. the full Sume and quantity of Three Barrills of Pitch to be Delivered att his the Said Johns landing as by his Noat under his hand into Court brought may appeare and the Said Defendant in person Came and Confesses according to Specialty.

Ordered that the Said Batho. Phelps pay unto Jno. Petiver Esqr. the Said Sume and quantity of three Barrills of Pitch Delivered att his the Said Jno. Petivers Landing according to Specialty with Costs alias Execution.

Capt. Jno. Petiver Esqr. Comes to prosecute his Suite against Jno. Snell in a plea of Debt and Declares for the Sume and quantity of nine Barrills of Marchantable Pitch which to him he oweth and from him unjustly Detaineth etc. as in and by his Noate under his hand into Court brought may appeare and the Said Defendant in person appeares and Confesses.

Ordered that the Said Jno. Snell pay unto Jno. Petiver Esqr. Nine Barrills of marchantable Pitch according to Specialty with Costs alias Execution.

Lett Execution be Stayed for three Months.

A power of attorney from Nath. Pirkins of Boston to Capt. Jno. Pettiver Esqr. was proved in Court by the oath of Thos. Parris and ordered to be recorded.

Nath. Pirkins of Boston by Thos. Snoden his attorney Comes to prosecute his Suite against Robt. Coomes in a plea of Debt and Declares fore the Sume of Three pounds four Shillings and Six pence which to the Said Nath. Pirkins he oweth and from him unjustly Detaineth etc. and the said Defendant in person appeares and Confesses.

Ordered that Robt. Coomes pay unto Nath. Pirkins the Sume of Three pounds four Shillings and Six pence with Costs alias Execution.

Nath. Pirkins by Thos. Snoden his attorney Comes to prosecute his Suite against Robt. Coomes in a plea of Debt and Declares for the Sume Fifty Shillings which to him he oweth and from him unjustly Detaineth etc. and the Defendant in person appeares and Confesses.

Ordered that Robt. Coomes pay unto Nath. Pirkins the Said Sume of Fifty Shilling according to Specialty with Costs alias Execution.

Thos. Snoden Comes to prosecute his Suite against Robt. Coomes in a plea of Debt and Saith That the Said Defendant Stands Justly Indebted unto him the plaintiff in the full Sume of Fifty Shillings in good marchantable fresh porke and the Said Defendant appeares in person and Confesses accordingly.

Ordered That Robt. Coomes pay unto the Said Thos. Snoden the Said Sume of Fifty Shillings in porke according to Specialty with Costs alias Execution.

<21> Wm. Robison and Lurana his wife personally Came into Court and accknowledged the assignement of a pattent Containeing four hundred forty five acers of Land lyeing in pascotank precinct to Robt. Keell.

Ordered to be registered.

A will of Alexander Smith Deceased was proved in Court by the oathes of Geo. Haughton Joshua porter and Wm. Smith Evidences thereunto.

Thos. Harris by Thos. Snoden his attorney Comes to prosecute his Suite against Edwd. Willams from an Imparlance the last Court and Saith That he the Said Thos. the first Day of august last past was Seized and possessed of a Certaine plantation and Tract of Land Lyeing and being in the precinct of Chowan within the Jurisdiction of This Court Containeing one hundred Sixty Eight acres As his proper and Rightfull Inheritance and being Soe Seized and possesst as aforesaid the Said Edwd. afterwardes (to witt) on the 28th Day of the Said Month of augt. with force and armes into the Same Did Enter and him the Said Thos. thereof Did Dissease and the Corne thereon Standing and Groweing with Certaine Beasts Did feed Tread Down and Consume and other thing to him Did Enorminous and against the peace of our Soveraigne Lady the Queen that now is and to his Grevious Damage etc. and the Defendant by Edwd. Bonwicke his attorney Comes and Defend the force and Injury when etc. whatsoever etc. and for plea Saith that he is not Guilty and of this he puts himselfe upon the Country and the plaintiff in likemanner wherefore it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome etc. who neither etc. and there Came (to videlicet) Mr. Thos. Swann Mr. Thos. Harvey Mr. Augustine Scarbro Mr. Thos. Collings Mr. James Thigpen Mr. Richd. Stamp Mr. Jno. Davis Mr. Robt. Keell Mr. Robt. Temple Mr. Jno. Ferree Mr. Thos. passingham and Mr. Wm. Rayfield who being Sworne Say wee of the Jury find for the plaintiff Tenn pounds Damage with Costs.

Ordered That Edwd. Willams pay unto Thos. Harris Tenn pound with Costs alias Execution.

Isaac Willson Comes by Thos. Snoden his attorney comes to prosecute his Suite against Jno. Whittby and Declares for the Sume of five pounds Eighteen Shillings and one peny halfe peny in good Tarr which to him the Said Isaac he oweth and from him unjustly Detaineth etc. and the Defendant being Called to make answer thereunto Came not Whereupon the plaintiff by his attorney aforesaid prayed an attachment against the Estate of the Defendant which is Granted.

Mosely versus Davis Continued till next Court by Consent of plaintiff and Defendant.

And then the Court adjourned for an hower.

Att an hower the Court meett and Satt.

Ebenezer whitte Comes to prosecute his Suite against Jno. Whittby in a plea of Debt and Declares for the Sume of Ten pounds Ten Shilling which the Said Defendant to him Doth owe and from him unjustly Detaines as in and by one Certaine Instrument of writteing obligatory under the proper hand of the Defendant here in Court brought Doth and may appeare etc. and the Defendant being Called to make answer thereunto Came not whereupon the plaintiff prayed an attachment against the Estate of the Defendant which is Granted.

Edwd. Moseley by Thos. Snoden his attorney Comes to prosecute his Suite against Thos. Holmes and Declares for the Sume of nine pound Sixteen Shillings and five pence which the Defendant by his Certaine noate or bill under his proper hand to him the said plaintiff Doth owe and from him unjustly Detaineth etc. and the Defendant was Called to answer thereto but Came not whereupon the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of albermarle County have the body of the Said Thos. Holmes att the next Generall Court alias Judgment against the Marshall.

And the said Marshall prayed an attachment against the Estate of the said Defendant which was Granted him.

<22> Moseley versus Jennett Continued by Consent.

Edwd. Moseley Comes to prosecute his Suite against Batho. Phelps in a plea of Debt and Saith That the Defendant Stands Justly Indebted to him the plaintiff in the full Sume of Twenty Shillings etc. and the Defendant in person appeares and Confesses.

Ordered that Batho. Phelps pay unto Edwd. Moseley Esqr. the Said Sume of Twenty Shillings with Costs alias Execution.

Jno. Newman by Edwd. Moseley his attorney Comes to prosecute his Action against Obadiah Rich in a plea of the Case and Declares fore the Sume of Six pounds Two Shillings and Eight pence by account which the Defendant from him unjustly Detaines and the Defendant was Called to answer thereunto but Came not Whereupon the plaintiff by his attorney aforesaid prayed an attachment against the Estate of the Said Defendant which was Granted accordingly.

Jno. Newman by Edwd. Moseley his attorney Comes to prosecute his Suite against Jno. Dann in a plea of the Case and Saith That the Defendant Stands Justly Indebted to him the plaintiff in the full Sume of one pound Seventeen Shillings and a peny for Sundry good and wares by the plaintiff to the Defendant Sold and Delivered the account of which is ready to be produced and the Defendant was Called to answer thereunto but Came not wherefor the plaintiff by his Said attorney prayd an attachment against the Estate of the Defendant which was Granted.

Jno. Newman by Edwd. Moseley his attorney Comes to prosecute his Suite against Wm. Willson Sawyer in a plea of Debt and Declares fore the Sume of Eight pounds Currant money of this province which to him he oweth and from him unjustly Detaineth etc. and the Defendant was Called to answer thereunto but Came not Wherefor the plaintiff by his attorney aforesaid prayed an attachment against the Estate of the Defendant which is Granted.

Upon petition of Jno. Whitte Senior and Jno. Whitte Junior

Ordered that the Said petitioners be allowed the Sume of Eleven Shillings and Eight pence Each for their Traville and attendance being Sumon as Evidences by Thos. Harris against Edwd. Willams in an action of Tresspass.

Upon petition of Margreat Burnsby praying to be admitted to Chuse hir Gardian Did of her own vollantary and free Consent make Choyce of Joseph Oliver which is admitted of by the Court.

Jno. Newman Came into Court and proved an account upon Oath against Jno. Dann fore the Sume of one pound Seventeen Shillings and a peny.

Upon petition of Jno. Newman praying to prove his account against obadiah Rich Did prove the Same upon Oath amounting to the Sume of Six pounds Two Shillings and Eight pence.

Saml. Holland marchant of Boston by Thos. Snoden his attorney Comes to prosecute his Suite against Isaac Willson of a plea That he doe render unto him the Said Saml. the Sume of Forty four pounds fourteen Shillings and Six pence which to him he oweth and from him unjustly Detaineth etc. and Saith That he the Said Isaac Stands Justly Indebted unto him the Said Saml. in the full and Just Sume of Forty Four pounds forteen Shilling and Six pence payable in good marchantable wheat Porke or Pitch as in and by an account bareing Date att Divers times from the ninth day of Febry. one Thousand Seven hundred and Eight untill the Twenty firs day of Febry. one Thousand Seven hundred and eight ready to be produced in Court relation being thereunto had Doth and may more fully appeare Nevertheless the <23> Isaac the aforesaid Sume of Forty Four pounds Fourteen Shillings and Six pence to the said Saml. hath not payd but the Same to pay hath hetherto refused and Doth as yett refuse etc. and the Defendant by Edwd. Bonwick his attorney Comes and Defendes the force and Injury when etc. and Saith That for the Insufficences and Imperfections in the plaintiff Declaration he this Defendant Cannot neither by the Law of the land is he bound to make answer thereunto and this he is ready to averr wherefor want of a Sufficent Declaration and Sufficent matter therein to be Contained he the Said Defendant prayed Judgment if the plaintiff aforesaid his action aforesaid by the law ought to have and mainetaine etc.

Et pro Causis.

For that the plaintiff Does not Shew in his Declaration what the Debt in the Declaration mentioned was Contracted for and the plaintiff by his attorney aforesaid Saith that his Declaration is good and valid in Law and prayes as in and by the Declaration etc. which being Considered by the Court the Said Demurrer is allowed good: whereupon it is

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Jno. Jones assignee of dame Cath. Hyde Comes to prosecute his Suite against Erassmus Harsleff in a plea of Debt and Saith That the Defendant Stands Justly Indebted to him the plaintiff Soe quallifyed in the full and Just Sume aforesaid quantity of Six Barrills of Pitch as by a Certain noat or bill under his proper hand may appeare etc. and the Defendant in person appeares and Confesses.

Ordered that Erassmus Harseleff pay unto Jno. Jones in the quallification aforesaid the Sume or quantity of Six Barril of Pitch alias Execution. Lett Execution be Stayed till Chrismass next.

Jno. Jones assignee of dame Cath. Hyde Comes to prosecute his Suite against Jno. Relfe in a plea of Debt and Declares for the Sume of Twelve pounds Current money of this province which to the plaintiff in that quallification he oweth and from him unjustly Detaineth etc. and the Defendant was Called in the useall form but Came not whereupon the plaintiff prayed an attachment against the Estate of the Said Defendant which is Granted.

And then the Court adjourned till the Marow morneing Eight a Clock.

Thursday Morne Eight a Clock the Court Meett and Satt.

A Convayance of A Tract of Land was accknowledged in open Court by Harris willoby and mary his wife according to the Custom of this province unto Fra. Laydaine.

Ordered to be Registered.

Edwd. Bonwicke Esqr. her Majestyes attorney Generall Comes to prosecute his Indittment against Christo. Duddley (alias dictus) Christo. Duddy of the precinct of Chowan planter and Saith that he the Said Christo. Duddley the tenth Day of Janry. anno Domini 1712 att Chowan aforesaid with force and armes to witt, with Swords Staves and knives on the body of one Wm. Jones (by lawfull warrant being authorised and made a pressmaster in the Execution of his Said office then and there being he the Said Christo. Duddley not regarding the authority to the Said Wm. Jones Granted) Did make an assault and him the said Wm. Jones then and there did beat wound and evill entreat Soe that his life it was Despaired and other enormities to him Did Doe against the peace of our Soveraigne lady the Queen etc. and the Defendant by Edwd. Moseley his attorney Comes and Confesses and throwes himselfe upon the mercy of the Court which being Considered by the Court here

Ordered that the Said Christo. Duddley be fined the Sume of Ten Shillings and that he give Sufficient Securety for his good behaviour till the next Generall Court and for his appearance there att.

<24> Henry Pendleton being bound over by recognicence to this Court Made his appearance and is Dismist without Day.

A Deed of Sale from Thos. Towers and Cath. his wife of a Tract of land lyeing on the Sand banks was accknowledged in Court in the useall forme by the Said Thos. Towers and Cath. his wife unto Erassmus Harseleff.

Ordered to be Registered.

A power of attorney from Cornelias Rattleff to Mr. Ja. Tookes marchant was proved by the oath of Henry Pirkinson and ordered to be recorded.

Major James Coles Exhibitted an account of his administration on the Estate of David Harris Deceased wherein he appeares to be fifteen pound Four Shillings and Seven pence Indebted to the Said Estate.

A power of attorney from Micajah Perry and Company marchants of London to Mr. Lewis Conner marchant of virginia proved and attested by the Notary Publick was produced to this Court and ordered to be recorded.

Edwd. Bonwicke Esqr. her Majestyes attorney Generall Comes to prosecute the presentment of the grand Jury against Mary Brothers otherwise Called Mary Brothers of the precinct of pascotank in the province aforesaid Spinster for that She the Said Mary Brothers the last Day of July anno Domini 1712 as Pascotank aforesaid was Delivered of a Basterd Child against the peace of our Said Lady the Queen and against the forme of the Act of assembly in that Case made and provided etc. and the Said Mary Brother Came and Confest to the Said Indittement and upon her Oath Did Declare Geo. Ellis to be the father of the Said Child.

Ordered that the Said Mary Brothers be punished by receiveing Twenty one Stripes on her back or pay Fifty Shilling according to the forme of an act of assembly Made and provided.

Whereupon Danl. Guthrie Came and assumed payment of the said fine of Fifty Shillings.

Mr. Jno. Lovicke being bound over to this Court by recognicence Made his appearance and is Dismist without Day.

Robison versus Oliver Continued till next Court by Consent of Defendant and plaintiffs attorney.

Thos. Peterson by Edwd. Moseley and Edwd. Bonwick his attorneyes Comes to prosecute his Suite against Geo. Harris and Saith that the said Defendant Stand Justly Indebted to the plaintiff in the full Sume of nine pounds Thirteen Shillings and Eleven pence by his assumtion for and on account of David Prichard Deceased and the Said Defendant appeares and Confesses with halfe Costs.

Ordered That Geo. Harris pay unto Thos. Peterson Esqr. the Sume of Nine pounds thirteen Shillings and Eleven pence with halfe Costs of Suite alias Execution.

Capt. Jno. Pettiver in open Court accknowledged the Convayance of a Tract of Land lyeing on the South Shore in the precinct of Chowan unto mr. Antho. Hatch and Mr. Geo. Durant.

Ordered to be Registered.

<25> Joseph Jordan Comes by Edwd. Moseley his Attorney to prosecute his Suite against Wm. Willson of a plea of Tresspass upon the Case and Saith That the Said Wm. Willson Evilly Intending and Maliciously purposeing to Take away and Distroy the good Name fame Credditt Estamation and repute of him the said Jos. and also to bring him the said Jos. Innocently into Danger of forfeitting all and Singular his Chattles Land and Tenements of loseing of his life the Fifth Day of Janry. ano Domini 1712/13 at new begun Creek in the precinct pascotank and with in the Jurisdiction of this Court These falce feigned Scanderlous malicious and abrobious words following (then and there haveing Speach and Comunication with Divers faithfull honest and worthy persons of this Goverment and with the Said Wm. of and Conserneing a report that Eliza. the wife of the Said willam had Spread Concerneing the Said Jos. Jordan to videlicet That Jos. Jordan (the plaintiff meaneing) had breake open a Chist of a Marchants that lived at his the Said Josephs house and Stole a Knife and Sold it to Jane Man) In presence and heareing of divers of his neighbours and other faithfull and Credible persons of this Goverment then and there being present and heareing openly and publickly and with a loud voice did Say affirme and Declare and publish to the Said Jos. I Say So too Tis True and the Said Willam afterwards out of, for, and to the Same malice Envy and Evill Intention on the Same Day and yeare att new begun Creeke aforesaid in the precinct aforesaid there other false feigned Scandelous Malicious and abrobrious words following in presents and heareing of Divers of his Neighbours and other faithfull and worthy persons of this Goverment then and there being present and heareing, openly publickly and with a loud voice Did Speak Declare and publish to the Said Jos. Jordan (videlicet) you (meaneing the plaintiff) Are a Thief and Ile prove you So (the Said Plaintiff meaneing) whereas in Truth the Said Jos. Jordan no Robery, Theft or Fellony ever Comitted or Perpetrated By reason of the Said Saying Speaking and affirmeing of which false feigned and Scandolous words the Said Jos. is not only Extreamly hurt and

Damlifyed in his good name fame Creditt and Estamation aforesaid amongue his neighbours and other faith full and honest persons of this Goverment with whome the Said Jos. used to keep Company and familarlity but also Innocently to be brought in to Danger of forfeiting all his Chattles Land and Tenements and of looseing of his life whereby the Said Jos. Saith that he is Damlified and hath Damage to the vallue of Five hundred pounds and thereupon etc. and the said Defendant by Edwd. Bonwicke his attorney Comes and Defends the force and Injury when etc. and Saith that for the manifold Insufficiencies Imperfections and uncertainties in the plaintiffs Declaration and the matter therein Contained he the Defendant Can not neither by the law of the land is he bound to make answer there unto and this he is ready to aver etc. Et pro Causis for that the plaintiff in his Declaration aforesaid hath not alledged any words that are accountable the words (you are a Thiefe and Ile prove you So:) being all the words that is alleadged in the plaintiffs Declaration against the Said Defendant they import Something in Generall but in particular nothing for one may be a Thiefe of Soe Small amatter that the law takes no notice of which Demurrer being Joyned by the plaintiff and Duely Considered by the Court here it is there oppinion that the said Demurrer be over Ruled and it is hereby over Ruled and because it Doth not appeare to the Court here what Damages the plaintiff has Sustained by reason of the Trespass therefor it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome etc. who neither etc. and there Came to witt Mr. Thos. Swann Mr. Augustine Scarbro Mr. Thos. Harvey Mr. Griffin Jones Mr. Thos. Passingham Mr. Robt. Temple Mr. Jno. Ferree Mr. Jno. Man Mr. James ward Mr. Alex. Spence Mr. Fra. Beasly and Mr. Truman mcbride who being Sworne Say we of the Jury find for the plaintiff five pounds Damage.

<26> Ordered that Wm. Willson pay unto Joseph Jordan the Sume of five pounds with Costs alias Execution.

Collonel Willam Reed Esqr. by Edwd. Moseley his attorney Comes to prosecute his Suite against Henry Slade of a plea of Tresspass and Saith That wheras the Said Henry Slade the last week in march Ano Domini 1710 by force and armes etc. the Inclosed plantation of him the said Wm. in Coratuck precinct did break and a Cow and Calfe there found of him the said Willaims of the price of Fifty Shillings did take and drive away and other Enormities to him he did etc. and the Defendant was Called to answer there unto but Came not Whereupon the plaintiff by his attorney aforesaid prayed an order against the Marshall.

Ordered that the Marshall of albermarle County have the body of the Said Henry Slade Senior att the next Generall Court alias Judgment against the marshall fore the Debt and Damages aforesaid.

And the Said Marshall prayd an attachment against the Estate of the Said Henry Slade which is Ordered accordingly.

Jno. Relfe was Called to prosecute his Suite against Jno. Treveaile but Came not whereupon the Defendant prayd an none Suite which was Granted.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Dame Cath. Hide administratrix of the goods and Chattles which were the honnorable Edwd. Hides Esqr. Deceased Comes by Edwd. Moseley her attorney to prosecute her Suite against Christo. Duddley and Saith the Defendant Stands

Justly Indebted to the plaintiff quallified as aforesaid in the Sume of Eight pounds for and in Consideration of a horse by the Said Edwd. in his lifetime Sold and Delivered to the Defendant and the Said Defendant in person appeares and Confesses.

Ordered that Christo. Duddy pay unto dame Cath. Hide administratrix of the goods and Chattles of the honnorable Edwd. Hides Deceased the Sume of Eight pounds with Costs alias Execution.

Upon petition of Joseph peggs

Ordered that the said Jos. peggs be paid the Sume of five Shilling and Tenn pence for his Travill and attendance being Sumoned as an Evidence by Jos. Jordan against Wm. Willson.

And Now here att this Court Came Joseph Glaister and for plea Saith non cul per pat. which being Joyned by the plaintiff it was Comanded the Marshall That he Cause to Come Twelve etc. whom etc. by whome etc. who neither etc. and there Came to witt, Mr. Thos. Swann Mr. augustine Scarbrough Mr. Thos. Harvey Mr. Griffen Jones Mr. Thos. passingham Mr. Robt. Temple Mr. Jno. Ferree Mr. Jno. Man Mr. James ward Mr. alexander Spence Mr. Fra. Beaseley Mr. Truman Mcbride who being Sworne Say we of the Jury find for the Defendant.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Henry Speller Marchant by Thos. Snoden his attorney Comes to prosecute his Suite against Jno. Relfe in a plea of Debt and Declares for the Sume of Twelve pounds which to him he oweth etc. and the Defendant being Called Came not and the Marshall haveing returned a Cepi Corpus on the writte the said plaintiff by his attorney aforesaid prayed an order against the said Marshall.

Ordered that the Marshall of albermarle County have the body of the Said Jno. Relfe att the next Generall Court alias Judgment against the Marshall.

<27> And the Said Marshall prayd an attachment against the Defendants Estate.

Ordered that an attachment goe out against the Estate of the Said Jno. Relfe att the Suite of the Marshall of albermarle County for the Debt and Damages aforesaid.

Upon petition of Jacob Sherwood

Ordered That the Said Jacob Sherwood be allowed the Sume of five Shillings and Ten pence for his Traville and attendance being Sumoned an Evidence by Jos. Jordan against willam Willson.

Mr. Jno. Lovicke attorney of dame Cath. Hide administratrix etc. Came into Court and accknowledged the recept of a Judgment Confest by Christo. Duddley att this present Court for the Sume of Eight pounds with Costs.

Thos. Swann of the precinct of pascotank marchant Comes to prosecute his Suite against Obadiah Rich of the precinct aforesaid and Declares fore the Sume of Three pounds Ten Shilling and Six pence which to him he oweth etc. and the Defendant being Called Came not whereupon the said plaintiff prayd an attachment against the Estate of the Defendant which was Granted.

Ordered that an attachment Issue out against the Estate of Obadiah Rich att the Suite of mr. Thos. Swann for the Debt aforesaid with Costs of Suite.

Thos. Swann of pasquotank precinct Comes to prosecute his Suite against Thos. James of the Same place planter and Declares for the Sume of Four pounds

Two Shillings and threepence which to him he oweth by his Certaine noat or writting obligatory may appeare and the Defendant by Thos. Snoden his attorney appeare and Confesses.

Ordered that Thos. James pay unto Thos. Swann the Said Sume of Four pounds Two Shillings and three pence with Costs alias Execution.

Thos. Swann of pasquotank Comes to prosecute his Suite against James McDaniell of the Said precinct in a plea of Debt and Saith That the Defendant by one Certaine Instrument of writting obligatory under his proper hand became Indebted to him the Said plaintiff in the Sume of Four pound Six Shillings and five pence and the Same to render Doth refuse etc. and the Defendant being Called to answer thereunto Came not and the Marshall haveing returned a Cepi Corpus on the writte the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of albermarle County have the body of the Said James McDaniel att the next Generall Court alias Judgment against the Marshall.

And the Said Marshall prayed an attachment against the Estate of the Defendant which is Granted and ordered accordingly.

Thos. Swann of Pasquotanke Comes to prosecute his Suite against Jno. McDaniell of the Same place in a plea of Debt and Declares for the Sume of Two pounds Two Shillings and nine pence which to him he oweth and from him unjustly Detaineth etc. as by his Certaine writteing under the proper hand of the Defendant may appeare and the Defendant being Called to answer thereunto Came not and a Cepi corpus being returned on the writte the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of albermarle County have the body of the Said Jno. McDaniell att the next Generall Court alias Judgment against the Marshall.

And the Said Marshall prayed an attachment against the Goods and Chattles of the Defendant which is Granted and ordered accordingly.

And then the Court adjourned till the Morrow morneing Eight of the Clocke.

Fryday Morne the Court meett againe according to adjournment and Satt.

Martin Franck by Thos. Snoden his attorney Comes to prosecute his Suite against Jno. Smith marchant and Declares for £4 as per narratio and the Marshall haveing returned an non est Inventus on the writte the plaintiff by his attorney aforesaid prayd an attachment against the Estate of the Defendant which was Granted.

<28> Thos. Peterson Esqr. factor to Thos. Byfield and new Pensilvania Company by Edwd. Bonwick and Edwd. Moseley his attorneys Comes to prosecute his Suite against Emanl. Lowe and Wm. Vaughan in Company in a plea of the Case and Declares for the Sume of ninty pounds for and in Consideration of the Hull of the Sloop Ronaok Marchant by the plaintiff Sold and Delivered to the Defendants in Company and allso the Sume of Ninty four pounds in Consideration of anchors Cables Sailes riggin etc. by the Said plaintiff Sold and Delivered to the Defendants in Company as per agreement the 22d. of augt. 1709 all which amounting to the Sume of one hundred Eighty four pounds etc. and the said Defendants appeares and Confesses.

Ordered That Emanl. Lowe and Wm. Vaughan in Company pay unto Thos. Peterson Esqr. in his aforesaid Capacity the Sume of one hundred Eighty four

pounds with Costs alias Execution.

Wm. Vaughan and Company by Thos. Snoden their attorney Comes to prosecute his Suite against Roland Buckley and Declares for the Sume of Two pounds Two Shillings and Seven pence by account as in and by the Said account Doth and may appeare etc. and the Defendant being Called Came not whereupon the plaintiffs by their attorney aforesaid prayd an attachment against the Good and Chattles of the Defendant which is Granted and ordered accordingly.

Nath. Pirkins marchant of Boston by Thos. Snoden his attorney Comes to prosecute his Suite against Richd. Burtenshell in a plea of Debt and Saith that the Defendant by one Instrument of writteing obligatory under his hand Doth owe and Stand Justly Indebted unto the plaintiff the Sume of Eleven pounds five Shillings and the Same from him unjustly Detaineth etc. and the Defendant by Edwd. Bonwicke his attorney Comes and Confesses for the Sume of Two pounds and Six pence.

Ordered That Richd. Burtenshell pay unto Nath. Pirkins the Sume of Two pounds and Six pence with Costs alias Execution.

Peter Musheo was Called to prosecute his Suite against Geo. Cooper but Came not whereupon the Defendant by Thos. Snoden his attorney prayd an non Suite against the plaintiff.

Ordered That the Suite be Dismist and the plaintiff pay Costs alias Execution.

Saml. Holland marchant of Boston by Thos. Snoden his attorney Come to prosecute his Suite against Wm. Luffman in a plea of Debt and Declares fore the Sume of five pounds Eighteen Shillings which to him he oweth and from his unjustly Detaineth etc. and the Defendant was Called but Came not and the plaintiff by his attorney aforesaid prayed an order against the Marshall.

Ordered that the Marshall of albermarle County have the body of the Said Wm. Luffman att the Next Generall Court alias Judgment against the Marshall and the Marshall prayed an attachment against the Estate of the Defendant which is Granted and Ordered to Issue out.

Thos. Spencer being bound over to this Court by recognisence made his appearance and is Dismist without Day.

Tobias Knight Esqr. by Edwd. Moseley his attorney Comes to prosecute his Suite against Wm. Houghton in a plea of the Case and Saith the Defendant Stands Justly indebted to the plaintiff in the Sume of one pound Ten Shillings and Six pence and the Same Doth refuse to render etc. and the Defendant was Called but Came not, Wherefor the plaintiff by his Said attorney prayed an order against the Marshall.

<29> Ordered that the Marshall of the County of albermarle have the body of the Said Wm. Haughton att the next Generall Court alias Judgment against the Marshall.

And the Said Marshall prayed an attachment against the Estate of the Defendant which is Granted and ordered accordingly.

Blish versus Sparrow attachment Continued.

Jacob overman of the precinct of Pasquotanke Comes to prosecute his Suite against George Scorbrough in a plea of Debt and Saith that the Defendant by his writteing obligatory under his hand etc. Did accknowledge to owe and Stand Justly Indebted to the plaintiff in the Sume of one pound Seventeen Shillings and

Six pence in fresh porke and the Same Doth Deny and refuse to render etc. and the Defendant was Called but Came not and a Cepi Corpus being returned on the writte the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of albermarle County have the body of the Said George Scarbrough att the next Generall Court alias Judgment against the Marshall.

And the Marshall prayed an attachment against the Estate of the Said George Scarbrough which is ordered to Issue accordingly.

Jacob Overman of pasquotank Comes to prosecute his Suite against Wm. Scarbrough in a plea of Debt and Declares for the Sume of one pounds Two Shillings and Eight pence in fresh pork which to the Plaintiff the Said Defendant Doth owe and from his unjustly Detaine etc. and the Defendant was Called but Came not according to returne of the writte wherefor the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of the County of albermarle have the body of the Said Wm. Scarbrough att the next Generall Court alias Judgment against the Marshall.

And the Marshall prayed an attachment against the Estate of the Said Willam Scarbrough which is ordered to Issue accordingly.

Mr. Henry Swann Comes to prosecute his Suite against Capt. Thos. Collings of the precinct of pequimons of a plea of Debt and Declares fore the Sume of one pound Eighteen Shillings and four pence which to him he oweth etc. and the Defendant Was Called and Came not according to returne of the writte whereupon the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of the County of albermarle have the body of the Said Defendant att the next Generall Court alias Judgment against the Marshall.

And the Same Marshall prayed an attachment against the Estate of the aforesaid Defendant which is Granted and ordered accordingly.

Mayo versus Musheo in Debt Dismist.

Stamp assignee versus Hartley in Debt Continued.

And then the Court adjourned for an hower.

Att an hower the Court Satt againe.

And now here att this Court appeared Jos. Glaister to the Declaration in Ejectione firme for Seventy five acers of land with the appurtenances etc. Lyeing on Nobbs Crook Creek according the order of the Last Court and for plea Saith non Cull. per pat. whereupon it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome etc. who neither etc. and there Came to witt: Mr. Thos. Swann Mr. augustine Scarbrough Mr. Griffith Jones Mr. Thos. Harvey Mr. Thos. passingham Mr. Robt. Temple Mr. Jno. Ferree Mr. Jno. Man Mr. James ward Mr. Henry Speller Mr. Fra. Beasely and Mr. Truman Mcbride who being Sworne Say we of the Jury find for the Defendant.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Peterson versus Lakar: Case: Continued by Consent.

Glover versus Cleaves: Tresspass: Continued by Consent.

<30> Capt. Frad. Jones of the Collony of virginia by Edwd. Moseley his attorney Comes to prosecute his Suite against Emanl. Cleaves latte provest Marshall of

the County of Bath in an action of Detinue and Saith That whereas the Said Frad. formerly to witt, the ninth Day of July in the Court of our Soveraigne Lady the Queen before willam Gray Esqr. and his assosiates the Justices of hir the Said Lady the Queen of the County Court of Bath at Bath Town by the Consideration of the Same Court had recovered against one Collonel Thos. Cary by the name of Collonel Thos. Cary as well a certaine Debt of 49: 19 - 11 as of 6-12-6 Costs whereof he was Convicted as by record and process thereof in the Said Court aforesaid manifestly appeareth upon which Same Judgment the Said Frad. for the more Speady recovery of his Debt and Costs aforesaid afterwards (videlicet) the ninth Day of July anno Domini 1712 had prosecuted out of the aforesaid Court of the Said Lady the Queen aforesaid a certaine writte of the Said Lady the Queen of causing to be made against the Said Collonel Thos. Cary to the then provist Marshall of Bath County Derected, by which Said writt the Same now: Lady the Queen to the Said Then provest Marshall of Bath County Comanded, that of the good and Chattles of the aforesaid Collonel Thos. Cary in the County aforesaid he Should Cause to be Levyed as well a Certaine Debt of 49-19-11 which the Said Frad. had recovered in the County Court of Bath against him as the aforesaid 6-12-6 Costs and that he Should have that money to render to the Said Frad. Jones for his Debt and Costs aforesaid and that att the returne of the Same writte before the aforesaid Justices of the Said County Court of Bath the aforesaid Emanl. Cleaves then provest Marshall of the aforesaid County of Bath returned the writte aforesaid to him in forme aforesaid Derected (That is to Say) That he the Same then Provest Marshall of Bath County by vertue of the Same writte had Taken Divers goods and Chattles which were of the aforesaid Collonel Thos. Caryes to the Value of the Debt and Costs aforesaid, That is to Say one negro Man one old Maine Saile one old foresaile one old Jebb by which action Did [grow] to the Said Frad. Jones to Exact and have of the Said Emanl. Cleaves the goods and Chattles aforesaid to the value aforesaid Notwithstanding the Said Emanl. Cleaves altho often requested the goods and Chattles aforesaid to the value aforesaid to the Said Frad. Jones hath not Delivered etc. and the Defendant was Called to make answer thereunto but Came not according to returne of the writte whereupon the plaintiff by his attorney aforesaid prayed an order against the Marshall.

Ordered that the Marshall of the County of Bath have the body of the Said Emanl. Cleaves att the next Generall Court alias Judgment against the Marshall.

And the Marshall pray'd an attachment against the Estate of the Said Defendant which is Granted and ordered accordingly.

Goodlatt Executrix versus Nickollson Ejectment Continued.

Chevin versus Earley administrator Case Continued.

Jonathan Standley and Elizabeth his wife personally Came into Court and accknowledged a Conveyance of a plantation and tract of land lyeing on the So. west Side of little river in the precinct of pequimons Unto Cornelias Rattleff.

Ordered to be registered.

Mr. Thos. Parris of the precinct of pequimons by Thos. Snoden his attorney Comes to prosecute his Suite against Sollo. Jordine in an action of Trover and Conversion and Declares of a boat of the value of Ten pounds which by finding

Came to the possession of the Defendant and the Said Defendant by Edwd. Moseley his attorney Comes and Confesses for Nine pounds.

Ordered that Sollo. Jordine pay unto Thos. Parris the Sume of nine pounds with Costs alias Execution.

Lett Execution be Stayed till the tenth day of December next.

<31> Nath. Chevin Esqr. Comes to prosecute his Suite against Collonel Wm. Reed Esqr. in a plea of the Case and Declares for the Sume of Twenty nine pounds five Shillings for Certaine Indian Slaves by the publick Sold and Delivered to the Defendant, and in Consideration thereof the Said Defendant Did assume well and Truly to pay the aforesaid Sume of Twenty nine pounds five Shillings into the hands of the Said Nath. Chevin for the use of the publicke who was fully authorized and Impowered to require and receive the Same Nevertheless etc. and the Defendant by Edwd. Moseley his attorney Comes and for plea Saith, that he Did not assume in manner and forme etc. whereupon it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome, etc. who neither etc. and there Came to witt, Mr. Thos. Swann Mr. augustine Scarbrough Mr. Griffith Jones Thos. Harvey Mr. Thos. passingham Mr. Robt. Temple Mr. Jno. Ferree Mr. Jno. Man Mr. Ja. ward Mr. Henry Speller Mr. Fra. Beasely and Mr. Truman Mcbride who being Sworne Say we of the Jury find for the plaintiff.

Ordered that Collonel Wm. Reed Esqr. pay unto Nath. Chevin Esqr. for the use of the publick the Sume of Twenty nine pounds five Shilling with Costs alias Execution.

Tobias Knight Esqr. and Cath. his wife administrators of the goods and Chattles of the honorable Wm. Glover Esqr. Deceased by Edwd. Bonwicke their attorney Come to prosecute their Writte of Scire facias against Jno. porter Esqr. and Declares for a Judgment obtained by the aforesaid Wm. Glover against the Said Jno. porter for the Sume of one Thousand pounds Sterling etc. and the Defendant by Edward Moseley his attorney Comes and Defendes the fore and Injury when etc. and prayes Judgment of the writte aforesaid etc. because he Saith that the Same is imperfect and Insuffecient and Containes Manifest variance in its Selfe and this he is ready to averr Whereby he prayed Judgment of the writte aforesaid etc. and the Same being Considered by the Court it is there oppinion that the Same plea is good to abate the Said Writte and it Doth hereby abate.

Jacob overman of the precinct of pasquotanke by Edward Moseley his attorney Comes to prosecute his Information against Willam Willson Sawyer of the precinct aforesaid and Saith That whereas in and by an act made for the good Goverment of this province Intitled (an act Conseaming Servants and Slaves) amongue other things it is Enacted That whosoever Shall buy Sell Truck or Trade borrow or lend to or with any Servant or Servants Slave or Slaves with out the Lycence or Consent of his or their marster or owner Shall forfeite and pay ten pounds to the Master of the Said Sevant or Slave to be recovered by Information in any Court of record in this Goverment etc. nevertheless the Said willam willson the Said act nothing minding or regarding but the Same and the authority thereof alltogether Contemning and Dispiseing Did on or aboute the 20th day of

December ano 1712/13 with out the leave or knowledge of him the Said Jacob Sell and Deliver unto a Man Slave to him belongen named petter a Turckey Cock to the vallue of five Shillings to the Grate Damage of him the Said Jacob and Contrary to the aforesaid act and the Defendant appeares and for plea Saith non Cull. per patrium wherefor it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome etc. who neither etc. and there Came (videlicet) Mr. Thos. Swann Mr. augustine Scarbro Mr. Griffith Jones Mr. Thos. Harvey Mr. Thos. passingham Mr. Robt. Temple Mr. Jno. Ferree Mr. Jno. Mun Mr. Ja. ward Mr. Henry Speller Mr. Fra. Beasely and Mr. Truman mcbride who being Sworne Say wee of the Jury find him guilty where upon the plaintiff prayed Judgment on the aforesaid act.

Ordered that Wm. Willson be fined the Sume of Ten pounds according to the Tenor of the aforesaid act to be payd to the Said Jacob overman with Costs.

And the Said Jacob overman Comes and remitts the fine aforesaid Except Forty Shillings on Condition that the Said willam willson pay the accrewing Costs which being Submitted to by the Defendant

<32> Ordered that the Sume of Eight pounds part of the aforesaid fine be remitted on the aforesaid Condition and it is hereby remitted, and it also ordered that the Said Willam Willson doe pay unto Joseph Jordan five Shillings to Robt. Cartwritte Ten Shillings and Ten pence to Joseph peggs and his wife one pound one Shilling and Eight pence to Wm. Cartwright the Sume of Eight Shilling and four pence for their Travell and attendance being Sumons as Evidences by Jacob overman against the Said Willm. Willson alias Executions.

Nath. Chevin Esqr. Comes to prosecute his Suite against Jno. Blish marchant in a plea of Debt and Saith That the Defendant by his Certaine writting obligatory under his hand Dated the 26th Day of march ano Domini 1712 Did oblidge himselfe well and Truely to pay unto the plaintiff the Sume of Eleven pounds on or before the tenth day of march then next Ensueing nevertheless etc. and the Defendant by Thos. Snoden his attorney Comes and Confesses.

Ordered That Mr. Jno. Blish marchant pay unto Nath. Chevin Esqr. the Sume of Eleven pounds with Costs alias Execution.

Lett Execution be Stayed till the first Day of august next.

A will of Steven Swaine deceased was proved in Court by the Dipisition of Mr. Thos. Snoden attorney of the Deceased annexted to the Said will to which he gave his oath in Court and thereupon Edwd. Moseley attorney of Saml. Sprewell Came into Court and in behalfe of the Said Saml. Entered a Caveatt against the propatte of the Said will which was admitted of and referd to the Court of Chancery.

Griffith Jones of pasquotanke Comes to prosecute his Suite against Jno. Creach in a plea of Case and Saith that the Defendant Stands Justly Indebted to the plaintiff in the full Sume of Two pounds Sixteen Shillings and Tenpence fore Diveres Goods wares and marchantdises by the plaintiff Sold and Delivered to the Defendant etc. and an nonest Inventus being returned in the Writte the plaintiff prayed an attachment against the Estate of the Defendant which is Granted and ordered to Issue accordingly.

Jno. Blish marchant Comes by Thos. Snoden his attorney to prosecute his Suite

against Capt. Richd. Sanderson of the precinct of Coratucke in an action of Trover and Conversion and Declares for Certaine Indian Slaves which by finding Came to the posession of the Defendant and the Said Defendant by Edwd. Moseley his attorney Comes and prayes an Imparlance to the next Generall Court and he hath it.

And thereupon it is ordered that it be a Rule of this Court That the Defendant plead to Issue in fact the next Generall Court.

Jno. Blish and Company by Thos. Snoden their attorney Comes to prosecute their Suite against Capt. Richd. Sanderson in an action of Trover and Conversion and Declares for a Certaine Indian Man Slave Called John Coneway which in the first day of apprill they the Said plaintiffs were possessed of as their own proper Goods and Chattles and that afterward (videlicet) in the month of June last past by finding Came to the possession of the Said Defendant and the Said Defendant by Edwd. Moseley his attorney Came and prayed liberty thereof to Imparle to the next Generall Court and he hath it.

<33> And thereupon it is ordered that it be a Rule of this Court That the Defendant plead to Issue in fact the next Generall Court.

Mr. Willam Swann Came into Court and Made a Tender of a Judgment obtained against him att the Suite of our Soveraign Lady the Queen in July Court last for the Sume of nine Shillings and one peny and allsoe one other Judgment obtained against him at the Suite of our Said Lady the Queen in october Court last past for the Sume of one Shilling and Sixpence.

A will of Mr. Alexander Goodlatts Deceased was proved in Court by the oathes of Mr. Edward Moseley and Mrs. Elizabeth Hecklefield.

Edwd. Moseley Esqr. Comes to prosecute his Suite against Thos. Sparrow Gentleman in a plea of the Case and Saith That the Defendant Stands Justly Indebted to the plaintiff in the full Sume of forty one pounds Eighteen Shillings and Eight pence Currant money of No. Carolina as by account thereof herein Court brought Doth and may appeare etc. and the Marshall haveing returned an nonest Inventus on the writte the plaintiff prayed an attachment against the Estate of the Defendant which was Granted.

And then the Court adjourned to the Court in Course.

[*Signed:*]
C. Gale, Thomas Miller, Antho. Hatch, John Pettiver.

[*July 1713*]

[*CCR 103*]

<35> No. Carolina Ss.

Att a Generall Court holden for the province aforesaid att the house of Capt. Jno. Hecklfeilds in little river on Tuseday the 28th Day of July Anno Domino 1713. Present The Honnorable Major Christo. Gale, Capt. Thos. Relfe, Thos. Miller, Capt. Jno. Pettiver, Antho. Hatch, Esqrs. Justices.

And then adjourned till the Morrow morneing Eight of the Clock.

Wednessday the Court meett according to adjournment. Present utt Supra.

The Gentlemen of the Grand Jury were Sworne and are as followeth (videlicet) mr. Jno. Relfe mr. Jno. Falinor mr. Richd. Devenport mr. Thos. Long mr. James Fleming mr. Wm. Jones mr. Danl. Smith mr. Pat. Quidley mr. Wm. Scarbrough mr. Saml. Paine mr. Pat. Callihorne mr. Jno. Whitte mr. Thos. Harding mr. Wm. Right mr. Humphry Vince and mr. Wm. Wallston.

Nath. Chevin Esqr. Comes to prosecute his Suite against James Fleming in a plea of Debt and Saith the Defendant Stands Justly Indebted to him the plaintiff in the full Sume of Three pounds five Shillings and four pence and the Defendant in person appears and Confesses.

Ordered That James Fleming pay unto Nath. Chevin Esqr. the Sume of Three pounds five Shillings and four pence with Cost alias Execution.

Nath. Pirkins marchant of Boston by Thos. Snoden his attorney Comes to prosecute his Suite against Jno. Mixon in a plea of Debt and Declares That the Defendant Stands Justly Indebted to the plaintiff in the full Sume of Seven pounds Three Shillings and Six pence per bill in fresh porke etc. and the Defendant by Edwd. Moseley his attorney Comes and Defends the force and Injury when etc. and prayes oyer of the writteing obligatory mentioned in the plaintiffs Declaration and it was read unto him in Verbam No. Carolina Ss. etc. whereupon the Defendant prayes Judgment of the writte and Declaration aforesaid etc. Because That there is Variance between the plaintiffs Declaration and the Specialty mentioned therein the Declartion not Mentioning that the Said 7 - 3 - 6 Should be paid in porke but in Pitch and this he is ready to aver Whereby he prayes Judgment of the writte and Declartion as aforesaid etc. which being Considered by the Court here the said plea is allowed Good and Suffecient to abate the writte and Declartion etc.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Upon petition of Mrs. Ann DeLaMare widdow and relict of Fra. DeLa Mare Esqr. Deceased Shewing that the Right of administration of the Goods and Chattles of the said Francis Doth to her belong

Ordered That She have administration as prayed and that Capt. Jno. Robison Jno. Palin mr. Jno. Man and mr. Danll. Guthrie or any three of them Doe apprise the Estate of the Said Francis DeLaMare Esqr. being first Sworne thereunto befor a Majestrate.

Capt. Jno. Pettiver Esqr. Comes to prosecute his Suite against Cary Godbey in a plea of Debt and Saith the Defendant Stands Justly Indebted to him by his bill or Writteing obligatory under his hand etc. in the full Sume of five pounds etc. and the Defendant appears and Confesses according to Specialty.

<36> Ordered That Cary Godbey pay unto Capt. Jno. Pettiver the Sume of five pounds with Costs alias Execution.

Isaac Willson by Thos. Snoden his attorney Comes to prosecute his Suite against Wm. Johnson in a plea of Debt and Saith the Defendant Stands Justly Indebted to him the Said Isaac in the Sume of Three pounds Six Shillings as per Narratio and the Defendant was Called and Came not and a Cepi Corpus being returned on the writte the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of Albermarle County have the body of the said Wm. Johnson at the Next Generall Court alias Judgment against The Marshall.

Robison against Oliver Edwd. Moseley attorney of the Defendant Saith he is not Informed of any answer to make for the Said Oliver Whereby the said Jno. Robison remaines against the said Oliver thereof undefended.

Ordered That the said Jno. Robison recover against the Said Oliver the Sume of Six pounds Eight Shillings and a peny halfe peny with Costs alias Execution.

Edwd. Moseley Esqr. by Thos. Snoden his attorney Comes to prosecute his Suite against Wm. Redditt in a plea of Debt and Declares that the Defendant Stands Justly Indebted to him the said plaintiff in the full Sume of one pound Thirteen Shillings and Six pence in fresh Porke as per Narratio and the Defendant was Called and Came not whereupon the plaintiff prayed an attachment against the Estate of the Defendant which is Granted.

Edwd. Moseley Esqr. by Thos. Snoden comes to prosecute his Suite against Phillipp Wallston in a plea of Debt and Saith That the Defendant Stands Justly Indebted to him the plaintiff in the Sume of one Barrill of Pork as per Narratio and the Defendant was Called and Came not whereupon the plaintiff prayed an attachment against the Estate of the Defendant which is Granted.

Edwd. Moseley Esqr. by Thos. Snoden his attorney Comes to prosecute his Suite against Edwd. Bryan and Declares that the said Bryan Stands Justly Indebted to him the said Edwd. Moseley in the full Sume of one pounds Eighteen Shillings and four pence by his Note or writteing obligatory and the Defendant being Called to answer thereunto and Came not whereupon the plaintiff prayed an attachment against the Estate of the Defendant which was Granted.

Edwd. Moseley Esqr. by Thos. Snoden his attorney Comes to prosecute his Suite against Thos. Man in a plea of Debt and Saith the Defendant Stands Justly Indebted to the plaintiff in the Sume of Two pounds Eighteen Shillings and four pence by his noate under his proper hand etc. and the Defendant was Called but Came not and thereupon the plaintiff prayed an attachment against the Estate of the Defendant which is Granted.

Whitte against Alexander and the Defendant by Edwd. Moseley his attorney appeares and prayes Liberty thereof to Imparle unto the Day of the next Generall Court and he hath it the Same Day is Given to the plaintiff likewise.

Capt. Jno. Byrd by Thos. Snoden his attorney Comes to prosecute his Suite against James Curlee in a plea of Debt and Saith the Defendant by his Noate under his hand Stands Justly Indebted to the plaintiff in the Sume of one pound Seven Shillings and nine pence and the Defendant was Called to answer thereunto but Came not and the plaintiff thereupon prayd an attachment against the Estate of the Defendant which was ordered accordingly.

<37> Jno. Blish marchant Comes to prosecute his Suite against Geo. Cooper Defendant in a plea of Debt and Declares That the Defendant Stands Justly Indebted unto him the said Jno. in the full Sume of Three pounds one Shilling and Three pence and the Defendant was Called but Came not and thereupon the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of Albermarle County have the body of the said George Cooper att the next Generall Court alias Judgment against the Marshall and the Marshall prayd an attachment against the Estate of the Defendant which is Granted.

Jno. Blish marchant Comes to prosecute his Suite against Jno. Powell in a plea of Debt and Declares for the Sume of Forty Shillings which the Defendant to him Doth owe etc. and the Defendant was Called and Came Not and thereupon the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of the County of Albermarle have the body of the said Jno. Powell att the next Generall Court alias Judgment against the Marshall.

And the Said Marshall prayed an attachment against the Defendants Estate which is Granted.

A will of Mrs. Easter Pollocke Deceased was proved in Court by the Oath of mr. Robt. Hickes att the Instance of Major Thos. Luten Executor thereunto.

Isaac Willson by Thos. Snoden his attorney Comes to prosecute his Suite against Jno. whittbey Defendant and Saith that the said Defendant Stands Indebted to him the plaintiff in the Sume of five pounds Eighteen Shillings and a peny halfe peny and the Defendant in person appeares and Confesses.

Ordered that Jno. Whittby pay unto Isaac willson the Sume of five pounds Eighteen Shillings and a peny halfe peny with Costs alias Execution.

Edwd. Moseley Esqr. Comes to prosecute his Suite against Jno. Davis in a plea of the Case from a Continuance and Saith That the said Jno. Stands Indebted to him the Said Edwd. in the full Sume of Three pounds and Seventeen Shillings and Eight pence and the Defendant was Called but appeared not nor any one for him to Say any thing in barr or reterdation of the Said action whereby the said Edwd. remaines against the said Jno. thereof undefended, it is therefor Considered and ordered by the Court here that the Said Edwd. Recover against the Said Jno. the Said Sume of Three pounds Seventeen Shillings and Eight pence with Costs of Suite and the Defendant in Mercy etc.

Godfrey Sprewell personall Came into Court and accknowledged a Conveyance Containeing one hundred acers of land to Jno. Devenport.

Ordered to be Registered.

Willm. Wilkerson personally Came in Court and accknowledged a Conveyance of Fifty Two acers of land to Jno. Devenport.

Ordered to be Registered.

Ebenezer whitte Comes to prosecute his Suite against Jno. whittbey in a plea of Debt and Saith the Defendant Stands Justly Indebted to him the plaintiff in the Sume of Tenn pounds Tenn Shillings in good Pitch or Tarr and the Defendant in person appeares and Confesses.

Ordered That Jno. whittbey pay unto Ebezer whitte the Sume of Tenn pounds Tenn Shilling with Costs alias Execution.

Upon petition of Wm. Booth as Marrieing Hester the widdow and relict of Adam Lewis Deceased praying administration of the good and Chattles of the said Adam Lewis

Ordered That the Said Wm. and Hester have Administration of the goods and Chattles of the said Adam Lewis Equally Granted to them both.

Capt. Wm. Maule being lawfully Sumoned as a petty Jury man and Called Came not whereupon it is ordered by the Court here that the Said Wm. Maule be fined the Sume of Twenty Shillings according to Rule of this Court.

Jno. Jones Carpenter being lawfully Sumons as a petty Juryman and Called

Came not wherefore it is ordered by the Court that the said Jno. Jones be fined the Sume of Twenty Shillings according to Rule of this Court.

The paniell of the Jurors Sworne to try the Issue between Jno. Newman plaintiff and obadiah Rich Defendant being Eronouslly Impanelled is Discharged from their verditte and they are hereby Discharged.

<38> Jno. Newman Marchant by Edwd. Moseley his attorney Comes to prosecute his Suite against obadiah Rich Defendant in a plea of the Case and Declares that the said obadiah Stand Justly Indebted to him the Said Jno. in the full Sume of Six pounds Two Shillings and Eight pence for and in Consideration of Sundry wares Goods and marchantizes Sold and Delivered to him the Said obadiah and the Said Defendant by Thos. Snoden his attorney Comes and Defendes and force and Injury when etc. and for plea Saith Nill Debitt perpatrium and for Tryall puttes himselfe upon the Country and the plaintiff in like manner and thereupon it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome etc., who neither etc. and there Came (to witt) mr. Thos. Swann mr. Grifith Jones mr. Wm. Norris Capt. Jno. Byrd mr. Robt. Lowre mr. David Baley mr. Eben. Whitte mr. Wm. Whitte mr. Wm. Parker mr. Thos. Parris mr. Jno. Forree and mr. Zach. Keaton who being Sworne Say we of the Jury find for the Defendant.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Saml. Sprewell personally Came into Court and accknowledged a Conveyance of one Hundrey and Seventy acers unto Joseph Cannons.

Ordered to be Registered.

Upon Motion of Sarah Carswell Executrix of Fra. Carsewell praying to prove the last will and Testament of her Deceased Husband the Same was proved in Court by the oath of Hannah Mansfield and the Said Sarah praying apprisers of the Goods and Chattles of the Deceased

Ordered That Capt. Wm. Ludfford mr. Jno. woodley mr. Andrew Willson and mr. Cornelias FitchPatrick or any three of them Doe apprise the Estate of the Said Fra. Deceased being first Sworne thereto before the Next Majestrate.

A power of attorney from Sarah Carsswell to Jno. Horsail was accknowledged in Court by the Said Sarah and ordered to be recorded.

Upon Motion of Edwd. Bonwicke her Majestyes attorney Generall

Ordered that the Marshall Take into his Coustody the body of Denis Ryordan untill he Answer to Such matters and things as on her Majestyes behalfe Shalbe objected against him.

Thos. Swann by Thos. Snoden his attorney Comes to prosecute his Suite against James McDaniell in a plea of Debt and Saith the Defendant Doth owe and Stand Justly Indebted to him the said Thos. in the full Sume of four pounds Six Shillings and five pence and the Defendant in person appeares and Confesses.

Ordered That James McDaniell pay unto Thos. Swann the Sume of four pounds Six Shillings and five pence with Costs alias Execution.

Upon Motion of Thos. Passingham praying to be allowed for his Travill and attendance being Sumoned as an Evidence by Thos. Swann against James McDaniell

Ordered That the Said Thos. Passingham be allowed the Sume of Eleven

Shillings and Eight pence for Two Courts Comeing and goeing and his attendance thereatt.

Upon Motion of Edwd. Bonwicke Esqr. her Majestyes attorney Generall

Ordered that the Marshall Take into his Coustody the body of Doctor Godffrey Sprewell to answer to Such matters as Shalbe objected against him which being heard and Considered

Ordered that Doctor Godffrey Sprewell find Securety for his good behaviour till the next Generall Court for the Sume of Ten pounds.

<39> Upon petition of Jno. Forree praying to prove an account against the Estate of Vincent whitte Deceased Did prove the Same by his oath etc.

Jacob Overman personally Came in Court and accknowledged Collonel Edwd. Moseley his attorney.

A Deed of Sale from Collonel Thos. Cary to James Tookes and Collonel Edwd. Moseley was proved in Court by the oath of mr. Thos. Parris.

Ordered to be Recorded.

And then the Court adjourned Till the morrow morneing Eight of the Clocke.

Thursday the Court Meett againe according to adjournement.

An assignement of a platte of 304 acers of land was accknowledged in Court by Jno. Harssell to Jno. Devenport.

Ordered to be Registered.

A power of attorney from Thos. Handrey marchant of Boston to Jno. palin was proved by the oath of Wm. Vaughan and ordered to be Recorded.

Collonel Wm. Reed by Edwd. Moseley his attorney Comes to prosecute his Suite against Wm. Russell in a plea of the Case and Saith the Defendant Stands Justly Indebted to the plaintiff in the Sume of Twenty pounds Seventeen Shillings and Three pence and the Defendant was Called and Came not whereupon the plaintiff by his attorney aforesaid prayed an attachment against the Estate of the Defendant which is Granted.

Collonel William Reed by Edwd. Moseley his attorney Comes to prosecute his Suite against Wm. Russell in a plea of Tresspass and Saith that the Defendant the last Day of June or begining of July anno Domini 1711 and by force and armes etc. the plantation or Inclosed Ground of passture of him the said plaintiff in Coratuck precinct Did Breake and a Six year old Bull there found belongen to him the plaintiff of the price of Forty Shillings Did Take Kill and Carry away and other harmes to him Did Doe etc. and the Defendant was Called to answer there unto but Came not whereupon the plaintiff by his attorney aforesaid prayed an attachment against the Defendants Estate which was Granted.

Miles Cary Gentleman of virginia Comes by Danl. Richardson and Edwd. Bonwicke his attorneys to prosecute his Suite against James Tookes marchant in an action of Tresspass and Contempt against The forme of a Statute made by the Grand assembly of this province between the 21st Day of Janry. anno Domini 1705/6 and the Eight Day of march then next following Entitled an Act Consearneing Sarvants and Slaves and Saith that he the Said James Doth harbour and Detaine a Certaine Negro Man Slave to him the Said Miles belongen Comonlly Called Stephen Contrary to the forme of the aforesaid act etc. and the Defendant by Edwd. Moseley his attorney Comes and Defendes the force and

Injury when etc. and for plea Saith Non Cull. per patriam and for Tryall etc. whereupon it was Comanded the Marshall That he Cause to Come Twelve etc. whome etc. by whome etc. who neither etc. and there Came (videlicet) mr. Thos. Swann mr. Griffith Jones mr. Wm. Norris Capt. Jno. Byrd Eben. whitte mr. Wm. Whitte mr. Wm. Parker: mr. Wm. Swann mr. Henry Speller mr. Richd. Smith mr. Robt. Hickes and mr. Edmd. Gale: who being Sworne Say, we of the Jury find for the plaintiff and thereupon the Said Defendant by his attorney aforesaid Moved for arrest of Judgment and Day is Given him Till the Second Day of the next Generall Court etc.

The Gentlemen of the Grand Jury made their presentments and are Dismist from further attendance at this Court.

And then the Court adjourned for halfe an hower.

Att halfe an hower the Court Meett againe.

<40> Richd. Stamp assignee of Bartho. Phelps Comes to prosecute his Suite against Archable Hartley in a plea of Debt and Saith the Defendant Standes Indebted to him the Said Richard Soe quallified in the Sume of Six pounds etc. and the Defendant was Called and Came not whereupon the plaintiff prayed an order against the Marshall.

Ordered that the Marshall of Albermarle County have the body of the Said Archable Hartley att the next Generall Court alias Judgment against the Marshall.

And the Marshall prayed an attachment against the Estate of the Defendant which was Granted.

A will of Saml. Slocombs being produced in Court proved by the Oathes of Ann Brice and Lovis Thomas which Said will mentioneing That his Mother Eliza. Smith and his Brother Jno. Slocomb and Margreatt Davis to be Generall Legatees and there being no Executors in the Said will appointed

Ordered That administration of all and Singular the Goods and Chattles of the Said Saml. Deceased be Granted unto the Said Eliza. Smith Jno. Slocomb and Margreatt Davis Cum Testamento annexo and that Fomifold Green Jno. Nellson Junior Jno. Smith and Richd. Hill or any three of them Doe apprise the Estate of the said Saml. Slocomb Deceased being first Sworne thereunto before a majestrate.

Upon Motion of Jno. Swaine praying apprisers of the Goods and Chattles of Stephen Swaine Deceased

Ordered That mr. Jno. Fallinor mr. Thos. Clarke mr. James ward and mr. Joshua Colloway or any three of them Doe apprise the Estate of the Said Stephen Swaine Deceased being there unto Sworne before a Majestrate.

Mary Lawson widdow by Thos. Snoden her attorney Comes to prosecute hir Suite against Jno. Rutter in a plea of Debt and Saith That the said Jno. Stands Justly Indebted to her the said Mary in the full Sume of Two Barrills Pitch and one Barrill of Tarr and the Defendant in person appeares and Confesses.

Ordered that Jno. Rutter pay unto mary Lawson the Sume or quantity of Two Barrills of Pitch and one Barrill of Tarr according to Specialty with Costs.

And thereupon the said mary by her attorney aforesaid prayed by reason of hir Insolvencey that the Said Jno. may be Comitted in Custody of the Marshall untill

he hath paid or Secured to be paid the Said Debt and Costs aforesaid and it was ordered accordingly.

Jno. Robison and Sarah his wife and Jno. Mixon Executors of the Last will and Testament of Jno. Harris Deceased Comes to prosecute their Suite against Wm. Wallston in a plea of Tresspass upon the Case and Declares That the Defendant Stands Justly Indebted to the plaintiffs quallified as aforesaid in the Sume or Quantity of one Tune of Barrills and five yds. of Scotch Cloth etc. and the Defendant by Edwd. Moseley his attorney Comes and Defendes the force and Injury when etc. and prayes Oyer of the Letters Testamentary and to him it is read in hoc Verba whereupon the Defendant prays Judgment of the Declaration aforesaid because he Saith that there is Variance or misnomer between the Declaration and the Letters Testamentry Mentioned there in the Declaration mentioning That one Riasson is one of the Executors and plaintiff to the Declartion whereas in Truth the aforesaid Letters Testamentry Doe not mention any Such person and this he is ready to aver wherefore he prayes Judgment of the Declaration aforesaid etc. which being Considered by the Court the said plea is allowed Good and Sufficient to abate the action and thereupon it is ordered that the Suite be Dismist etc.

<41> Upon petition of Wm. Jones

Ordered that the Said Wm. Jones be allowed the Sume of Sixteen Shillings and Eight pence for his Travill and attendance Two Courts being Sumoned as an Evidence by Jno. Robison and Sarah his wife and Jno. Mixon Executors of the Last will and Testament of Jno. Harris Deceased against Wm. Wallston alias Execution.

Thos. Handrey marchant of Boston by Jno. palin his attorney Comes to prosecute his Suite against Richd. Morton Late of the precinct of Coratucke Tailour Defendant in a plea of Debt and Declares That the Said Richd. Stands Indebted to him the said Thos. and Company in the full Sume of one pound Seventeen Shillings and apeny in and by his Noate under his hand Dated the 16th Day of Janry. anno 1711 and the Defendant was Called and Came not and thereupon the plaintiff by his attorney aforesaid prayed an attachment against the Estate of the Defendant which is Granted.

And then The Court Adjourned to the Court in Course.

[*Signed:*]
C. Gale Ch. Justice, John Pettiver, Thomas Miller, Anthony Hatch.

[*October 1713*]

[*CCR 103*]

<43> North Carolina SS.

Att a Generall Court Held for the province aforesaid at the house of Capt. Jno. Hecklefeilds in Little River on Tuseday the 27th Day of Octor. anno Domini 1713 Present the Honorable Major Christo. Gale Esqr. Chiefe Justice and his assosiates.

The Court being Called Wm. Armure bound over by Recognizance made his appearance at the prayer of the Informant is Dismist without Day.

And then and Court adjourn'd Till the marow morneing Eight of Clocke.

Wednessday att Eight of the Clock the Court Meett and Satt. Present uttsupra.

And now here at this Court Came Jno. Blish by Thos. Snoden his attorney and prayd that the Marshall would bring forth the body of Geo. Cooper according to order of the last Court wherein haveing failed the plaintiff prayd that Judgment might be Confirm'd against the Said Marshall. Ordered that the Marshall of Albermarle County pay unto Jno. Blish marchant the Sume of Three pounds one Shilling three pence with Cost alias Execution and the Marshall prayd Continuance of the attachment against the Estate of the Defendant which was Granted.

<44> And Now here att this Court Came Jno. Blish marchant by Thos. Snoden his attorney and moved that the Marshall would bring forth the body of Jno. Powell according to order of the Last Court wherein haveing failed The plaintiff by his attorney aforesaid prayed that Judgment might be Confirmd against the Said Marshall.

Ordered that the Marshall of Albermarle County pay unto Jno. Blish marchant The Sume of Two pounds with Costs alias Execution. And the Marshall pray'd Continuance of the attachment against the Estate of the Defendant which was Continued accordingly.

And then the Court adjourn'd for an Hower.

According to adjournment the Court meet and Satt.

Henry Speller marchant by Thos. Snoden his attorney Comes to prosecute his Suite against Jno. Relfe in a plea of Debt and Saith the Defendant Doth owe and Stand Justly Indebted to him the plaintiff in the full Sume of Twelve pounds as by his Certaine bill under his proper hand May appear and the Defendant in person appeares and Confesses.

Ordered that Jno. Rolfe pay unto Henry Speller the Sume of Twelve pounds with Costs alias Execution.

Jno. Relfe by Edwd. Bonwicke his attorney Comes to prosecute his Suite against Henry Speller marchant in a plea of the Case and Saith the Defendant Stands Justly Indebted to him the plaintiff the Sume of Seven pounds fifteen Shillings by account here ready to make appear and the Said Defendant Saith nothing in barr or Retardation of the Said action Wherefore the Said plaintiff remaines against the Said Defendant thereof undefended therefore it is Considered by the Court here that the Said plaintiff recover against the Said Defendant the Said Sume of Seven pounds fifteen Shillings with Costs Alias Execution.

Jno. peny Marchant was Called to prosecute his Suite against Leutenant Collonel Theophelous Hastings but Came not whereupon the Defendant by Danl. Richardson his attorney pray'd an nonprosecution.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

Jere. Symons by Danl. Richardson attorney Comes to prosecute his Suite against David Northy Defendant in a plea of the Case and Saith the Defendant Doth owe

and Stand Justly Indebted to him the plaintiff in the Sume of Tenn pounds and the Defendant was Called but Came not and the plaintiff thereupon pray'd an order against the Marshall.

Ordered that the Marshall of Albermarle County have the body of The Said David Northy att the Next Generall Court alias Judgment against the Marshall.

And the Marshall prayd an attachment against the Estate of the Defendant which is Granted.

Griffith Jones of the precinct of pasquotank Comes to prosecute his attachment against Jno. Creach of the Same place and the Defendant was Called and Came not and the Marshall haveing returned attacht of the Defendants Estate one yeareling Colt and one blacke and Whitte Cowe Marked in the Right Eare with a Cropp and on the Left <45> with an under Keell with a Calfe by her of the Same Collour unmarked and the plaintiff thereupon proved an account by his Oath against the Defendant the ballance whereof was Two pounds Seven Shillings and Tenn pence.

Ordered that the Goods attached be Condem'd to Satisfye the aforesaid Debt And Costs to the Said Griffith Jones and that the Marshall have the Same apprised according to act of assembly.

Jonathan Bateman personally Came into Court and accknowledged a Convayance of one Hundred and fifty one Acres of Land Lying in Cuscopernon unto Jno. Birkett.

Ordered to be Registered.

And Now here at this Court Came Richard Stamp and Moved that the Marshall would bring forth the body of Archable Hartley according to order of the last Court wherein haveing failed the plaintiff pray'd that Judgment be Confirmd against the Said Marshall according to the aforesaid order.

Ordered that the Marshall of Albermarle County pay unto Richd. Stamp the Sume of Six pounds with Costs Alias Execution.

And the Marshall pray'd Continuance of the attachment against the Estate of the Defendant which is Cont. accordingly.

Willm. Lewis of the County of Bath by Edwd. Moseley his attorney Comes to prosecute his Suite against Collonel Wm. Brice and Saith the Defendant Stands Justly Indebted to him the Said plaintiff in the Sume of fourteen pounds etc. and the Defendant was Called but Came not and thereupon the plaintiff pray'd an order against the Marshall.

Ordered that the Marshall of Bath County have the Said Collonel Wm. Brice at the next Generall Court alias Judgment against the Marshall.

And now here at this Court Came Saml. Holland marchant by Thos. Snoden his attorney and moved that the Marshall would bring forth the body of Wm. Luffman according to order of the Last Court wherein haveing failed the plaintiff pray'd that Judgment might be Confirm'd against the Said Marshall.

Ordered that the Marshall of Albermarle County pay unto Saml. Holland the Sume of five pounds Eighteen Shillings with Costs alias Execution.

And the Marshall pray'd Continuance of the attachment against the Estate of the Defendant which is Cont. according.

Jacob Overman of the precinct of pascotank weaver Comes to prosecute his Suite against Geo. Scarbrough in a plea of Debt and Saith the Defendant is Justly

Indebted to him the plaintiff the Sume of one pound Seventeen Shilling and Sixpence as by his bill under his hand Doth and may appear and the Defendant appeare in person and Confesses according to Specialty.

Ordered that Geo. Scarbrough pay unto Jacob Overman the Sume of one pounds Seventeen Shillings and Six pence with Costs alias Execution.

And now here at this Court Came Capt. Frad. Jones by Edwd. Moseley his attorney and moved that the Marshall would bring forth the body of Emanl. Cleave according to Order of the Last Court wherein haveing failed the plaintiff by his Said attorney prayd that Judgment might be Confirm'd against the Said Marshall for the Debt and Damages aforesaid.

Ordered that the Marshall of Bath County pay unto Capt. Frad. Jones the Sume of Fifty Six pounds Twelve Shilling and five pence with Costs alias Execution.

A will of Gilbert Goodales was proved in Court by the oaths of mr. Wm. Stevens and Margreat Slatter at the Instance of Richd. Whittbee Executor thereunto.

<46> Capt. Jno. Robison Comes by Edwd. Bonwicke his attorney to prosecute his Suite against Martin Franke Defendant in a plea of Debt and Saith that the Defendant aforesaid stand Justly Indebted to him the plaintiff in the Sume of Twenty four pounds thirteen Shillings and four pence as by his Certaine bill under his proper hand Doth and may appeare and the Said Defendant in person appeares and Confesses for Twenty Three pounds Twelve and Eightpence.

Ordered That Martin Franke pay unto Capt. Jno. Robison the Sume of Twenty Three pounds Twelve Shillings and Eight pence with Costs alias Execution.

Upon petition of Ezerienns Parker praying to be allowed for his Traviell and attendance being Sumons as an Evidence by Jno. peny against Leutenant Collonel Theophelous Hastins

Ordered That the Said petitioner be allowed for Two dayes Comeing and Two dayes goeing and one Dayes attendance according to act of assembly made and provided.

Danl. Guthrie Comes to prosecute his Suite against Christo. Bailes in a plea of Debt and Saith the Defendant Stands justly Indebted to the plaintiff in the Sume of Ten pounds and a nonest Inventus being returned on the writte the plaintiff prayed an attachment against the Estate of the Said Defendant which was Granted.

Mary Lawson Executrix against Batho. Phelps.

And the Said Defendant in person Comes and prayes Speciall Imparlance to the next Generall Court and he hath it and upon Motion of the plaintiff by her attorney aforesaid.

Ordered that he Continue in Custody of the Marshall untill he give Securety for his appearance at the next Generall Court.

Watt. Price assignee of Jno. Thos. Comes to prosecute his Suite against adolphus Hanson and Saith the Defendant Stands Justly Indebted to him the plaintiff in the aforesaid quality the Sume of four pounds as per narratio and the Defendant was Called and Came not according to returne of the writte and the plaintiff thereupon prayed an order against the Marshall.

Ordered That The Marshall of the County of Albermarle have the Body of The Said Adolphus Handson at the Next Generall Court alias Judgment against the Marshall.

And the Marshall prayed an attachment against The Estate of the Defendant which is Granted.

Mary Lawson Executrix of the Last will and Testament of James Fewox Decreased Comes to prosecute her Suite against Jno. Fisher and Saith the Defendant Stands Justly Indebted to the plaintiff in the Sume of Six pounds as per narratio and an Nonest Inventus being returned on the writte the plaintiff prayed an attachment against the Estate of the Defendant which was Granted.

Jno. Hallum by Thos. Snoden his attorney Comes to prosecute his Suite against Jonatha. Bateman in a plea of Debt and Saith the Defendant Stands Justly Indebted to the plaintiff in the Sume of Eight pounds as per narratio and the Defendant in person appeares and Confesses.

Ordered That Jonath. Bateman pay unto Jno. Hallum The Sume of Eight pounds with Costs alias Execution.

Upon petition of Jacob Overman

Ordered That the Said Jacob overman be allowed the Sume of five Shillings and Tenn pence for his Travile and attendance being Sumoned as an Evidence by wattkin price against adolphus Hanson.

<47> And now here at this Court Came James Tookes by Edwd. Moseley his attorney and gave here in Court the following reasons in arrest of Judgment etc.

1st The Verditte is Ill the Jury Carying with them Severall papers Dipositions etc. which were not read in Court Sealed up and Delivered by the Court to the Jury.

2ly Those papers had they been read ought not to have been Caryed from the Barr by the Jury.

3ly Judgment ought not to be affirm'd on that Virditte it being an ill verditt not finding what ought to have been found.

4ly The Declaration Containes Duplicity of Matter.

5ly The Declaration is not Certaine percise Mention not being Made of the quantity of time which the negro is Saith to be Kept.

6ly The Act or penall Statute upon which This action is founded Doth not warrant or mainetaine the Declaration as layd by The plaintiff Whereupon the Defendant aforesaid for the Reasons aforesaid prayed the Judgment may be Sett a Side and the plaintiff by his attorney Moved That the Defendant might make Affidavit to the reason aforesaid as the Rule of the Law in that Case Derects there being matter of fact Contained in them Whereupon the Defendant moved those reason wherein the matter of fact was Contained and Insisted on the matter of Law only which being Argued on Both Sides the Court resolved to advise thereon till to morrow morne 10 of the Clocke.

And then The Court adjourned for an hower.

Att an hower the Court mett and adjourn'd till the Morrow Eight of the Clocke.

Thursday morne Eight of the Clocke the Court meett and Satt.

Batho. Phelps personally Came into Court and accknowledged a Convayance of Two Hundred and fifty acers of Land unto Willm. Whitte.

Ordered to be Registered.

Jno. Porter assignee of Thos. Collings by Edwd. Moseley his attorney Comes to Prosecute his Suite against Thos. Averitt and Saith the Defendant Stands Justly Indebted to the plaintiff the Sume of Twenty pounds as per narratio and the Defendant appeares and Confesses according to Specialty.

Ordered that Thos. Averitt pay unto Jno. Porter the Sume of Twenty pounds with Costs alias Execution.

Smithwicke against Haughton. And the Said Plaintiff by his attorney Comes and prayes an Imparlance unto the next Generall Court and it is Granted.

Thos. Harris Geo. Scarbrough Jno. Relfe Wm. Stephens ambrous McCoy were lawfully Sumoned on the petty Jury being Sollomly Called Came Not and thereupon it is ordered that the Severall persons above Named be fined The Sume of Tenn Shillings Each accordihg to Rule of this Court.

And then the Court adjourn'd for an hower.

Att an hower the Court Meett and Satt.

In The action Depending between Miles Cary plaintiff and James Tookes Defendant Cont. Till This Day 10 of the Clocke for the Court to advise on and the Court haveing advised and Considered the Severall reasons and allegation offered by the Defendant in arrest of Judgment Itt is the oppinion of this Court That the Said reasons ought to be overruled and they are hereby Over Ruled and thereupon it is

<48> Ordered That James Tookes pay and Deliver to the Said Miles Cary the Said Negro Slave Named Stephen as alsoe the Sume of Ninty Two pounds Ten Shillings for a hundred Eighty five Day Detaineing of the Said Slave Conrary to the forme of an act of assembly in that Case made and provided alias Execution.

And thereupon the Defendant by his attorney aforesaid prayed an appeale to The Honorable Court of Chancery which is Granted the Defendant giveing Securety to prosecute his Said appeale with Effect.

Whereas it is Testifyed to the Court here That a Judgment hath been recovered by Capt. Jno. Norton against James Bowman Black Smith in precinct Court of Corratucke for the Sume of Three pounds forteen and Ten pence with Costs of Suite and the Said Defendant is Departed the Said precinct Soe that by any precept of the Said Court he Cannot be Taken Testatum Ca. Sa. awarded.

Whereas it is Testifyed to the Court here That a Judgment hath been recovered by Capt. Jno. Norton against James Bowman Black Smith in the precinct Court of Corratucke for the Sume five pounds one Shilling and five pence with Costs of Suite and the Said Defendant is Departed the said precinct Soe that by any precept of that Court he Cannot be Taken Testatum Ca. Sa. awarded.

A power of attorney from Jno. Smith marchant to Collonel Thos. Boyd was proved in Court by the Oath of Tobias Knight Esqr.

Ordered to be Recorded.

A power of attorney from Ebenezi Whitte to mr. Danl. Guthrie was proved in Court by the Oath of James Dauge.

Ordered to be Recorded.

Micajah Perry and New Pinsilvania Company against Thos. Petterson Capias ad computandum awarded.

Upon Information of Edwd. Bonwicke attorney Generall That Robt. Morgan Jno. Sawyer Senior Jno. Sawyer Junior Edwd. Williams Richard Hastins and Robt. Sawyer Did utterly refuse to pay the fine of five pounds Each Due from them by an act of assembly for not Goeing to the Indian warr and in Contempt of the Said Act Did by force and armes Rescue and Take from the marshall Divers Goods of which he had made Distress for the Same persuant to the Said act and thereupon an order of Councill was Derected to the Said Marshall to Take the aforesaid Delinquents into Coustody to give Securety for their appearance at this Court and the Said Delinquents not appeareing a Capias is awarded.

Martin Franke Came into Court and Discharged the Judgment obtained against him this Court by Capt. Jno. Robison for the Sume of Twenty Three pounds Twelve Shillings and Eight pence with Costs of Suite.

Mary Lawson Executrix of the Last will and Testament of Geo. Gladstaine Deceased by Thos. Snoden her attorney Comes to prosecute her Suite against Wm. Whitte and Saith the Defendant Stands Justly Indebted to her the plaintiff qualified as aforesaid one young Maire of Two yeares old as by a Certaine written Obligatory under his proper hand may appear and the Said Defendant in person appeares and Confesses according to Specialty.

<49> Ordered That Wm. Whitte pay unto Mary Lawson in her quality aforesaid one young maire of Two yeares old or the value there of with Costs alias Execution.

And now here at this Court Came Isaac willson by Thos. Snoden his attorney and moved that the marshall would bring forth the Body of Wm. Johnson according to order of the Last Court wherein haveing failed the plaintiff prayed that Judgment Might be Confirm'd against the Said Marshall.

Ordered That The Marshall of the County of Albermarle pay unto Isaac Willson the Sume of Three pounds Six Shillings with Costs alias Execution.

And the Marshall prayed a Continuance of the attachment against the Estate of the Defendant which was Granted.

Jno. Blish Marchant Comes by Thos. Snoden his attorney to prosecute his Suite against Capt. Richd. Sanderson in an action of Trover and Conversion and Saith That he the plaintiff on the first Day of apprill last past was Seized and possessed of one Indian woman Slave Named Ann and one femeal Child as his own proper goods and Chattles and being Soe Seized and possessed as aforesaid the aforesaid Slaves after wardes (videlicet) in the month of June last past by finding Came to the Custody and possession of the Defendant Nevertheless the Defendant very well knowing the aforesaid Slaves to be the proper lawfull and Rightfull Estate and Inheritance of the plaintiff yett minding and Intending the plaintiff of the Same wholey to Deprive and Defraud the aforesaid Indian Slaves to the plaintiff to Deliver or restore hath Hetherto Gainesayd and Doth as yett Gainesay to the plaintiffs Damage Sixty pounds etc. and the Defendant by Edwd. Moseley his attorney Comes and for plea Saith non Cull. and for Tryall putts himselfe upon the Country and the plaintiff in like manner whereupon it was ordered the Marshall that he Cause to Come tomorrow morneing Eight of the Clocke Twelve etc.

whome etc. by whome etc. who neither etc. and on the morrow Eight of the Clocke there Came (videlicet) [*blank*] who being Sworne Say wee of the Jury find for the plaintiff £30 and the Defendant by his attorney aforesaid Moved in arrest of Judgment and for these Causes; for that the time and place of the Conversion is not mentioned in the plaintiffs Declaration and the matter being Defeated on both Sides and Considered by the Court here it is the oppinion of this Court that Judgement ought to be there for Stayed and it is hereby Stayed etc.

Thos. Pendleton by Danl. Richardson his attorney Comes to prosecute his Information against Daniell Guthrie and Saith that Whereas In and by an act Made by The Grand assembly of this province between the 2th Day of Janry. anno Domini 1705/6 and the Eight Day of March then next following Intitled an act Consearneing Servants and Slaves by which Said act it was (inter alia) Enacted in the following or the like words (videlicet) and be it further Enacted by the authority aforesaid That whosoever buy Sell Trade or Trucke Borrow or lend to or with any Servant or Servants Slave or Slaves without the Lycence or Consent of his or their master or owner for any Comodity whatsoever Shall forfeite and pay for every Such offence Ten pounds to be recovered as aforesaid as in and by the Said act relation being thereunto had Doth and may more fully appear Notwithstanding which Said Danl. Guthrie and Mary his wife of the precinct aforesaid and within the Jurisdiction of this Court and Especially She the Said Mary the aforesaid act nothing or regarding but the Same and the authority thereof altogether Dispiseing and as well in Contempt thereof as Contrary to the purport True <50> Intent and meaneing thereof She the Said Mary Did in the month of June last past on a Sabath Day Deale Trucke and Trade to and with a Negro woman to him the Said Thos. pendleton belongen Comonly Called or known by the Name of Jenny and of her Did Take and receive Two Sticks of whailebone of the vallue of Two Shillings in Consideration whereof She the Said Negro woman Did or was to have and receive of her the Said Mary Two foules or Dunghill Cockes without the Leave Lycence Consent or knowledge of him the Said Thos. pendleton and as well to the Great Damage of him the Said Thos. pendleton as Contrary to the True Designe of the aforesaid act whereupon etc. and the Said Defendant by Thos. Snoden and Edwd. Bonwicke his attorneys Comes and to the Plaintiffs Information Doth Demurr which being Joyned by the plaintiff and argued on both Sides and the Court have Considered the Severall Causes offerd by the Defendant it is the oppinion of this Court that the Said Demurrer ought to be overruled and it is hereby over Ruled and thereupon the Defendant by his attorneys aforesaid moved for arrest of Judgment till the next Generall Court and it is Granted.

Concordature.

Upon petition of Thos. Bateman and mary his wife

Ordered that the Said Petitioners be allowed the Sume of Eight Shillings and four pence Each for their Travill and attendance being Sumons as Evidences by Jno. Buttler against Jonath. Bateman alias Execution.

Jno. Bailes Robt. Temple Jno. Birkitt Edwd. Smithwick being lawfully Sumons on the Grand Jury were Sollomly Called Came not and thereupon it is ordered

That the Said persons be fined the Sume of Twenty Shillings Each according to Rule of this Court.

And then the Court adjourned till the morrow morneing Eight of the Clocke.

Fryday morne Eight of the Clocke the Court meett and Satt.

Jno. Porter by Edwd. moseley his attorney Comes to prosecute his Suite against Jno. Salley and Saith that he the Defendant Doth owe and Stand Justly Indebted to the plaintiff in the full and Just Sume of forty nine pounds Three Shillings and Sixpence halfepeny as in and by account Settled and adjusted between them Doth appear etc. and the Said Defendant was Called and Came not according to returne of the Writte whereupon the plaintiff prayd an order of the Marshall.

Ordered that the Marshall of the County of Albermarle have the body of the said Jno. Salley at the next Generall Court alias Judgment against the Marshall.

Mary Porter widdow and Jno. Porter Executors of the last will and Testament of John Porter Deceased Comes by Edwd. Moseley their attorney to prosecute their Suite against Jno. Salley in a plea of Debt and Saith that the Defendant by one writteing obligatory under his hand Dated the 15th of Octor. 1710 Did accknowledge himselfe to Stand Indebted to the Said Jno. porter Deceased the Sume of Seventeen pounds and Ten pence in Sundry Species of this Country as per narratio and the Defendant was Called and Came not wherefor the plaintiff prayd an order against the Marshall.

Ordered that the Marshall of the County of Albermarle have the body of the Said Jno. Salley at the Next Generall Court alias Judgment against the Marshall.

[*CCR 189*][8]

Henry Speller James Thiggpin and Batho. Phelpes being lawfully Sumoned in the petty Jury Sollomly Called made Default.

Ordered that The Said persons be fined The Sume of Ten Shillings Each according to rule of this Court.

And then the Court adjourned for an Hower.

Att an Hower the Court Meet And adjourned to The Court in Course.

C. Gale Ch. Justice

[*March 1714*]

[*CCR 103*]

<53> North Carolina Ss.

Att a Generall Court held for the province aforesaid at the house of Capt. Jno. Hacklefields in Little River the last Tuseday in March Anno Domini 1714. Present The Honorable John Pettiver, Antho. Hatch Esqrs. Justices.

The Court is adjourned Till to Morrow Morneing Ten of the Clocke.

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[8] Because of mutilation of the manuscript, the last page of these minutes is completed from material in CCR 189.

Wednessday Ten of the Clock the Court Mett. Present Capt. Jno. Pettiver, Thos. Miller, Antho. Hatch Esqrs. Justices.

The Court is adjourned till Mundy Next being the 5th of aprill.

Mundy the Court Meett accordingly. Present John Pettiver, Antho. Hatch Esqrs. Justices.

The Court is adjourned till the Morrow Ten of the Clocke.

Tuseday Ten of the Clocke the Court Mett and Satt. Present The Honorable Capt. Richd. Sanderson, Capt. John Pettiver, Thomas Miller, Antho. Hatch Esqrs. Justices.

Capt. Richd. Sanderson Esqr. one of the Justices for the body of this Goverment Tooke and Subscribed the Severall oathes by Law appointed together with the oath of a Justice and Took his place at the board.

Richard Booth of the precinct of Chowan Came into Court by Edwd. Moseley his attorney with out writte by Edward Moseley his attorney and Confest Judgment to The Honorable Thos. Pollocke Esqr. for the Sume of £18=12*s.*=4*d.* with Costs.

Ordered that the Said Richd. Booth pay unto The Honorable Thos. Pollock Esqr. the Said Sume of £18=12*s.*=4*d.* with Cost according to Specialty alias Execution.

Capt. Richd. Sanderson accknowledged a Convayance of 400 acers of Land Lyeing in Little River to Thos. Robison.

Ordered to be Registered.

<54> Joseph Peggs Came into Court and proved an account upon oath against the Estate of Thos. Snoden Deceased for the Sume of £2 7*s.* 0*d.*

A will of Richard Devenports Deceased was proved in Court by the oath of Capt. John Pettiver who likewise Swore he Saw Joseph Green Signe the Same as an Evidence thereunto.

It is Ordered that all persons bound over by Recognizance to this Court be and are hereby Continued to the Court in Course and all Juryes Impanled are thereupon Dismist from further attendance at this Court.

Collonel Thos. Boyd Esqr. Comes to prosecute his Suite against Thos. Collings in a plea of Debt and Saith that he the Said Thomas Doth owe and Stand Justly Indebted to the plaintiff the full Sume or quantity of 20 bushells of Indian Corne as per Narratio. The Defendant was Called and Came Not whereupon the plaintiff aforesaid pray'd an order against the Marshall.

Ordered that the Marshall of Albermarle County have the body of the Said Thomas Collings at the Next Generall Court alias Judgment against the Marshall.

And the Marshall pray'd an attachment against the Estate of the Defendant which was Granted.

A power of attorney from Mary Spellman to Augustine Scarbrough was proved in Court by the oath of mr. Thos. passingham by vertue of which Said power the Said Augustine Scarbrough accknowledged a Convayance of 300 acers of land more or less lyeing in the fork of the Creek known by the Name of Lakares Creek unto Robert Harman.

Ordered that the Said Convayance together with the Said Power of attorney be Recorded.

Mr. Willm. Vaughan Came in Court and proved an account upon oath against the Estate of mr. Thos. Snoden Deceased for the Sume of 3=15=9.

And now here at this Court Came Willm. Lewis and Moved that the Marshall would bring for the body of Collonel Willm. Brice according to order of the last Court wherein haveing failed the plaintiff Moved that Judgment might be Confirm'd against the Said Marshall according to the aforesaid order.

Ordered that the Marshall of the County of Bath pay unto Willm. Lewis the Sume of £14 with Costs according to Specialty alias Execution.

Upon Motion of Richard Smith by Danl. Richardson his attorney Shewing that being arrested on the Court Day Contrary to the Law of this Land by one Lewis Conner of virga. wherefore prayes the benifitt of an act Intitled (an act arrests prohibitted on Certaine Dayes) which act being read and argued on both Sides and throughly Considered by the Court here it is the oppinion of this Court that the Said arrest is Insuffecient and Invalled and thereupon it is

Ordered that the Said Richard Smith be Discharged from the Said arrest.

Goodlatt Executrix against Nickollson in Ejectment of Lands and Tenements in the precinct of Pequimons in the County of Albermarle. And the Said Defendant by Edwd. Bonwicke his attorney Comes and for plea Saith Non Cull. and thereupon it is ordered the Marshall that he Cause to Come at the Next Court in Course Twelve etc. whome etc. by whome etc., who neither etc.

<55> Charles worth Glover by Edwd. Moseley his attorney Comes to prosecute his Suite against Emanl. Cleaves late provest Marshall of the County of Bath in a plea of Tresspass upon the Case and Declared as per Narratio and the Defendant by Daniel Richardson his attorney Comes and Saith That the plaintiffs action aforesaid ought to abate for the Insufficiency and uncertainty of the Declaration against the Defendant by the plaintiff which being argued and Considered by the Court here it is their oppinion that the Said action ought to abate and it Doth hereby abate.

James Minge Executor etc. of Mathias Giles against Ralph Fletcher and Jane Morgan Executors etc. of James Morgan Deceased in Case. And the Said Defendants by Edwd. Moseley thire Attorney Comes and Saith the action aforesaid ought to abate because no pro file Con Curia in the plaintiff Declaration is Mentioned.

Ordered that the writte abate.

James Minge Executor etc. of Mathias Giles against Wm. Lacy in Case. And The Said Defendant by Edwd. Moseley his attorney Comes and Saith the plaintiffs action aforesaid ought to abate because no pro file Con Curia in the Declaration is Mentioned.

Ordered that The writte Doe abate.

Thos. Johnson assigne of Moses Reynaud Executor etc. of Benja. Reynaud Deceased against John Mixon in Debt. And The Said Defendant by Edwd. Moseley his attorney Comes and Saith The action aforesaid ought to abate by reason no pro file Con Curia in the plaintiff Declaration is Mentioned.

Ordered that The action Doe abate.
And Then The Court adjourned to The Court in Course.

[*Signed:*]
Richd. Sanderson, Antho. Hatch.

[*October 1714*]

[*CCR 189*][9]

North Carolina Ss.

Att a Generall Court holden for the Province aforesaid at the house of Major Jno. Hacklefields in Little [*blank*] on Tuseday the 26th. of Octor. Anno Domini 1714. Present The Honorable Collonel Christo. Gale Esqr. Chiefe Justice and Thos. Miller Esqr. his assosiate.

The Court is adjourn'd Till to Morrow momeng Eight of the Clock.

Wednessday Eight [of the Clocke] the Court Meett and Satt. Present the Honorable [*torn*] Christo. Gale Esqr. Chiefe Justice Thos. Miller John Porter [*torn*] Esqrs. assosiates.

Ordered that from hence forward it is a Declared Rule of [the Court that] actions Shall be postponed for non app[earan]ce of [*torn*] without Special Reasons to be allowed by [*torn*] Court [*torn*] will be Dismist in order and that the Court will [*torn*]wise Meet and proseed to business precisely at Eight a Clock on Tuseday Morne of Every Suceeding Generall Court at which time all persons concearned are required [to] give their attendance.

A new Comision of oyer and Terminer Generall [Jale] Delivery for the body of this Goverment being read, the Said [Chiefe] Justice and his assosiates above mentioned took and Subscribed the Several Oaths by Law appointed.

A new Attorney Generall Comision to Danl. Richardson Esqr. Derected being read the Said Danl. Richardson Esqr. Took and Subscribed the Severall oathes by law appointed for his quallification and is accepted according.

A Deed of Sale for Two lotts in Bath Town from Joell Martin and Nichos. Daw Comisioners to Jno. Porter Esqr. was proved in open Court by the oath of Wm. Harris.

Ordered to be Registered.

A Deed of Sale from Geo. May to William Thomson for 320 acers of land on the East Side of No. River in Craven precinct was accknowledged in Court and ordered to be Recorded.

Edwd. Mosely admitted attorney of this Court by warrant from the honorable the Govenour.

The Gentlemen of the Grand Jury were Sworne and are as followeth Capt. Richd. Sanderson foreman Wm. Winbery John Meades John Solley Thos. Parris

[9] CCR 103 contains some badly mutilated fragments of minutes which appear to be in the handwriting of William Badham, who was clerk of court at the time. They may be part of the General Court proceedings for July, 1714.

Cha. Wilkens Danl. Linsey James Curlee Thos. Lewis James anderson Wm. Thomson Thos. Garrett Cha. worth Glover James Beasely Thos. Spight Henry Speller.

Nicolas Chrisp Esqr. took and Subscribed the Severall oathes by Law appointed for his quallification and took his place in Court accordingly.

Upon petition of Capt. Nicho. Crisp praying that a former order of this Court appointing a publick landing place on the lands formerly of wm. Windley or Thos. Garret now the la[*torn*] [Nicholas] Crisp for the ease of the Inhabitants of the Easterne bra[nch of] Mattacomack Creak may be reverst there [*torn*] non [*torn*] road that laid [*torn*] that leades to the [land] of the [*torn*] [Con]venant for [the] Landing place then that formerly appointed [*torn*] being Duely weighed and Considered its ordered that the aforesaid order be Reverst.

And then the Court ad[journed] till the morrow Morneing 7 of Clocke.

Thursday 7 of the Clock the Court [*torn*] and Satt.

A Deed of Salle from Edw[*torn*] to Henry Speller of one thousand acers of land lying in Marr[*torn*]k river in Chowan precinct was accknowledged in open Court and ordered to be recorded.

Danl. Richardson Esqr. her Majestyes Attorney Generall Comes to prosecute A bill of Inditment against [*torn*] Hill by the name of henry Hill of Nanciemund County prefer'd by Edwd. Bonwicke latte attorney Generall of this province and found by the Grand Jury last Generall Court and Saith as per Inditment to which the Said Hill pleaded not Guilty and for Tryall putts himselfe upon the Country whereupon the Marshall was Comanded that he Cause to Come Twelve etc. whome etc. by whome etc. who neither etc. and there Came (videlicet) Mr. Edwd. Smithwick Danl. Guthrie Math. Midgett Wm. Steward Geo. May Edwd. Orington Robt. Keel Henry Lawyle Wm. Robison John Dicks Richd. Batchelder Henry Swann who being Impaneled Sworne Without goeing from the barr return'd there virditte not Guilty Whereupon the prisoner was Dismist without Day paying Costs.

Pensilvannia Company v. Petterson Account render. And the Said plaintiffs by E. M. their attorney and the Defendant by D. R. his attorney did mutually agree that the Said account Should be refer'd to Auditors and thereupon Collonel Thos. Pollock Capt. Frad. Jones Mr. Jno. Porter and mr. Cha. worth Glover are here by nominated and appointed auditors to audite the Said account att such time and at Such places as they or any 3 of them shall think fit and its further ordered that the Said plaintiffs be Ruled to lay befor the Said oditors all accounts formerly Delivered him by the Defendant at the opening of the Odite as well as the accounts Suite upon.

And then the Court adjourn'd for an hower.

At an hower the Court meett and Satt.

Deed of Sale from Ephraditus Benten to Thos. Spight for 311 acers lying in Chowan precinct was accknowledged in open Court and ordered to be recorded.

Upon petition of Danl. Guthrie praying administration on the goods [and] Chattles of Ebe[*torn*] Greatest Creditor and haveing proved [*torn*] account against [*torn*] Deceased

Ordered [*torn*] have [ad]ministration as pray'd he [*torn*] Due [*torn*] the Same.

Upon petition of Capt. R[*torn*] and [*torn*] [pray]ing administration of the goods and Chattles of C[*torn*] Stee[*torn*] for the use of the widdow and Chilldren of the Said Steell.

Ordered that that he have administration to the use aforesaid he giveing Sufficent Securety for the Due performance of the Same.

And then the Court adjourn'd till the m[orrow] [*torn*] Eight of the Clock.

Fryday morne Eight of the Clock the Court met [*torn*].

Charle Sowell being Lawfully Sumons and Called Came not.

Ordered that the provest Marshall doe Take him the Said Charles Sowell into Custody untill he give sufficent Securety for his appearance at the next Court to answer the Information given in against him as well as for his Contempt for not appearing at this Court and for his good behaviour in the meane time.

John Bennett Junior Called Came and Submitted to the Information.

Ordered that he be fined the Sume of five pounds or for Default of pay [*illegible*] to receive Ten Lashes on his barr back and give Securety for his appearance at the next Court and his good behaviour in the meane time.

Edwd. Standen being lawfully Sumons and Called Came not.

Ordered that the provost Marshall doe take the said Edwd. Standen into Custody untill he give Securety for his appearance at the next Court to answer the Information given in against him as well as for his Contempt for not appearing at this Court and for his good behaviour in the meane time.

John Vollaway being lawfully Sumons and Called Came not.

Ordered that the provest Marshall Take him into Coustody untill he give Securety for his appearance at the Next Court to answer the Information given in against him as well as for his Contempt for not appearing at this Court and for his good behaviour in the Meane time.

Moses Oliver Called Came and Submitted to the Information aforesaid.

Ordered that he be publickly whipt by receiveing Twenty Lashes on his barr back and that he give Securety for his good behaviour and his appearance at next Court.

John [*illegible*] [*torn*] Sollomly Called Came [*torn*] Ordered [*torn*] the [*torn*] according [*torn*] rule of [*torn*] Ordered that Capt. [*torn*] mr. Wm. Chalton Mr. Lanerd Lefte [*torn*] Step [*torn*] Mr. Richd. french Mr. Samll. Tailour Mr. He[*torn*] Capt. [*torn*] West Mr. John Davis Mr. Robt. Lowre Mr. [*torn*]th Ja[*torn*]k Mr. Wm. Williams Mr. Wm. Nuckolls Mr. Tho. Williams Mr. Jos. Sanderson be Sum[*torn*] on the Grand Jury to the next [Cou]rt.

Mathew Midgett by D. R. his attorney Comes [to] prosecute his Suite against Collonel Thos. Cary of a plea of [Tresspass] [*torn*] the Case and Declared for £25 in Consideration of Ten Thousand [*torn*] per narratio and the Said Defendant by E. M. his attorney Comes and Defendes the force and Injury when etc. and saith as per plea whereupon it was Comanded the Marshall that he Cause to Come Twelve etc. whom etc. by whom etc. who neither etc. and there Came (videlicet) John Solley Danl. Guthrie Wm. Steward Geo. May Edwd. orington

Robt. Keel Henry Lawsle Wm. Robison Rd. Batcheder Henry Swann Cha. Wilkens Ja. Anderson who being Impanl'd and Sworne Say wee of the Jury find for the Defendant.

Ordered That the Action be dismist and the plaintiff pay Costs alias Execution.

Wm. Steward by E. M. his attorney Comes to prosecute his Suite against Dr. John urmston in a plea of the Case and Declares for the Sume of £3 12: as per narratio and the Said plaintiff appearing and haveing made Oath to his account the ballance of which is 2:7:0.

Ordered that the Defendant pay to the plaintiff the Said Sume of 2:7: with Costs alias Execution.

Upon petition of Ja. Beasley

Ordered that he be allowed the Sume of 18*s*.-4*d*.: for Two Court Comeing and goeing and attendance being Sumons as an Evidence by Wm. Steward against Dr. John urmston alias Execution.

Whereas Danl. Halsey Deputy marshall reported to this Court [that] he had Don Execution of a Certaine order past this Court against Mosses Ol[iver] which Report appearing to be false and likewise that he had not then received the Courts Derections for his Soe doeing

Ordered that he be fined the Sume of five pounds and th[*torn*] Coustody [*torn*] provest Marshall till [*torn*] securety [*torn*] good behaiviour till [*torn*].

[*Torn*] did [*torn*] appeare at this Co[urt]

Upon petition [*torn*] out day

Ordered [*torn*] Wm. B[*torn*] Cha. worth Glover and appro[*torn*] doe Inventory before a [*torn*] Steel being first Sworne.

And Then The Court adjourned [*torn*]rt in Course.

[*Signed:*]

C. Gale, Ch. Justice, Jno. Porter, Thomas Miller, Nicholas Crisp, Thomas Harvey.

[*March 1715*]

[*CCR 189*]

[North Caro]lina Ss.

Att A Generall Court holden for the province aforesaid at the house of Capt. Richd. Sanderson in Little river on Tuseday the 29th Day of March 1715. The Honorable Collonel Christo. Gale Esqr. Chiefe Justice and [*torn*] Mr. John Porter Antho. Hatch Thos. Harvey Esqrs. his assosiates.

The Court is adjourn'd till to morrow morneing 9 of the Clock.

Wednessday 9 of the Clock the Court Meett and Satt. Present utt supra.

Messrs. Gray and Marrion against Garrett. Whereas Mr. Thos. petterson one of [the] auditors appointed to Examine audite and Settle the account Depending between the plaintiffs and Defendant is Dead It is here[by] ordered that Mr. Nickolas Crisp be appointed and to be with Mr. Jere. Veaile who is authorized

and ordered to Examine and audite the said account and make report to the next Court.

[*Torn*] of the attorney Generall.

[*Torn*] that the Marshall doe take in Coustody the [*torn*] James Boone and him Safely Keep [*torn*] Delivered by Due Course [*torn*].

The Court Mett according to adjournment and Satt.

[*Torn*] Grand Jury haveing returned the bill against Ja. Boone Ignoramus the Said Boone is thereupon Discharged giveing Security for his good abearance for a Twelve month and Day and paying his fees and thereupon the Said James Boone Doth accknowledge himselfe Indebted unto our Soveraigne Lord the King in the Sume of fifty pounds and John Smith and Ja. fleming both of Chowan precinct in the [*torn*] five pounds Each to be Levied upon their [*torn*] and Chattles upon Condition [*torn*] [the said] Ja. Boone Shall be of his good behaviour towards all his Majestyes Subjects for a Twelve month and a day and they doe Severall Say they are therewith Content.

John Bennett Junior being bound [*torn*] to appeare at this Court made his appearance and is Dismist without day paying his fees.

Darby Swillivent and James welsh also made their appearance and for want of Information Exhibed against them are Dismist without day paying their fees.

The Court adjournd till the Morrow morneing Nine of the Clock.

Thursday 9 of the Clock the Court meet and Satt.

Present utt supra.

A Deed of Sale from Collonel Thos. Cary for a plantation and Tract of land [lying in] Chowan precinct was proved in Court by the oath of Mr. Edwd. [*torn*].

Ordered to be Registerd.

A Deed of Sale from Mr. Robt. Hicks of a Tract of land [Containing] 360 acers lying in Boague Sound was accknowledged in Court to Collonel Thos. Bollock.

Ordered to be Registerd.

Collonel Wm. Reed by E. M. and D. R. his attorney Comes to prosecute his attachment against John Thomson Estate, and the marshall haveing returned attached in the hands of Mr. Benja. Tull five pounds and in the hands of Mr. obadiah Rich three pounds and they both the Defendants being Severally Called and not appeareing

Ordered that the plaintiff recover of the goods of him [*torn*] Thomson in the hands of the aforesaid B. T. and O. R. the [*torn*] three pounds Twelve Shillings with Costs of [*torn*].

Mich. Oneal Junior by E. M. his attorney Comes to prosecute [*torn*] and Consante of a Judgment of the precinct Court [*torn*] aforesaid Consante being [*torn*] was Called and Came not Whereupon it [*torn*].

Ordered that the aforesaid J[*torn*] hereby [*torn*] and Sett aside.

Mr. Wm. Hunter by E. M. his attorney Comes [*torn*] Swann Casuall Ejector in a plea of [*torn*] for two hundred [and] five acers adjourning to Coratuck Inlett with the appurtenances in C[*torn*] precinct etc. and upon affidavit made by the Said T. Swann that Thos. Williamson Tenant in possession of the premisses

was Served with a Copy of the Declaration and notice to appear and the Said Thos. Williamson being [*torn*] It is Considered by the Court that the Said W. Hunter [*torn*] 270 acers of land and that Marshall of albermarle County or his Deputy putt the Plaintiff in possession and that the said T. Willamson pay Costs alias Execution.

John Palin proved an account in Court upon oath against the Estate of Mr. Thos. peterson the ballance of which is 7/1/6 the administratrix being present and payment ordered.

Wm. Hall Came and accknowledged himselfe indebted unto our Soverigne Lord the King in the Sume of Twenty pounds to be Levied upon his lands and Tenements goods and Chattles upon Condition that he doe appear at the next Generall Court then and there to answer to Such Matters as on his Majestyes behalfe Shall be objected against him and he Dos Say he is therewith Content.

[*Torn*] Swann by D. R. his attorney Comes to prosecute his Suite against Corl. Jones [*torn*] assault and battery and Saith as per narratio [*torn*] by E. M. his [*torn*] and Defends the force and Injury when [*torn*] assault Demesne and for Tryall putts himself [*torn*] and the plaintiff in like manner Whereupon it was Commanded the [*torn*] he Cause to Come Twelve etc. whome etc. by whome etc. who neither [*torn*] Came (videlicet) Mr. Thos. Garrett Thos. Penrice Robt. palmer John B[*torn*] Sanderson Wm. Bell John Simpson John Bennett Junior Mich. oneal [*torn*] Pickering Jos. Wicker Wm. Stephens who being Impanelled and Sworne [*torn*] wee of the Jury find fore the Defendant.

Ordered that the Suite be Dismist and the plaintiff pay Costs.

Upon petition of Petter Parker

Ordered that the Said petitioner be allowed and paid for Two days Comeing and 2 dayes goeing and one days attendance according to act [of] assembly being Sumoned as an Evidence by Corl. Jones against Thos. Swann alias Execution.

[*Torn*] Taylor Junior [*torn*] that the Said petitioner be allowed and paid the Sume of nine [*torn*] dayes Comeing and 2 dayes [*torn*] Evidence by Corl. Jones against [*torn*].

Ordered [*torn*] be allowed and paid the Sume of Nine Shillings for his travill and attendance being Sumoned as an Evidence by Corl. Jones against Thos. Swann alias Execution.

[*Signed:*]
C. Gale Ch. Justice, Antho. Hatch, Tho. Harvey, Jno. Porter, Thomas Miller.

[*April 1715*]

[*CCR 189*]

North Carolina Ss.

Att an Especiall Court of oyer and [*torn*] Delivery [*torn*] house of Captain Richd. Sandersons in Little River for the Tryall of [*torn*] fellons now in Custody of the Provest Marshall on Tuesday the 14th of Apprll. anno Domini 1715. Present the honorable Collonel Christo. Gale Esqr. Chiefe Justice and Antho. Hatch Griffith Jones and Thos. Harvey Esqrs. his associates.

An Especiall Comision of oyer and Terminer and Generall Goal Delivery to the Chiefe Justice and his associated Derected for the Tryall of the aforesaid fellony being read the Said Chiefe Justice and his associates above mentioned took and Subscribed the Severall oathes by Law appointed.

The Gentlemen of the Grand Jury Were Sworne and are as followes (videlicet) Jos. Jesop.

The Court is adjournd for one hower.

Att an hower the Court Meett and Satt.

Present utt Supra.

The Gentlemen of the Grand Jury made their presentments and are Dismist from further attendance at this Court.

Danl. Richardson Esqr. his Majestyes [*torn*] to prosecute a Bill of Inditement against John Tate [*illegible*] [defendant] [*torn*] away negro and young Toney a Slave be[*torn*] Tookes of pasquotank marchant for fellony and Burglary and Saith as per Inditement to which the Said John Tate John Fenix and Tony pleaded not Guilty and for Tryall putts themselves upon the Country Whereupon it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome etc. who neither etc. and there Came (videlicet) Mr. John Blish etc. who being Impanelled and Sworne Say Wee of the Jury find the prisoners Guilty of the fellony and Burgalary Whereof they Stand Indited.

Danl. Richardson Esqr. attorney Generall Comes to prosecute a Bill of Inditement against John Tate Labourer and Saith as Per Inditement to which the Said John Tate Confest himselfe Guilty.

Danl. Richardson [*torn*] [attorney] Generall Comes to prosecute a Bill of Inditement against Jane Fen[*torn*] [*illegible*] of place unknown as accessory to John Fenix allready Convict etc. as per Inditement to which the said Jane upon her arraignement pleaded not Guilty and for Tryall putts herselfe upon the Country whereupon it was Comanded the Marshall that he Cause to Come Twelve etc. whome etc. by whome etc. who Neither etc. and there Came (videlicet) Mr. John Blish etc. who being Impanelled and Sworne Say: Wee of the Jury find the Said Jane anderson Guilty of being accessary To the fellony and Burglary Comitted by the said Tate [*illegible*] Fenix and Tony [*torn*] Jno. Tate Jno. Fenix and young Tony and Jane Fenix alias anderson being Severally what they had to say why the Sentanance of Death Should not pass against them As the Law Derects and makeing no further Defence it is the Judgment of this Court that the [*illegible*] be Sevearally hanged by the neck till their bodyes are Dead and thereupon Sentance was pronounced accordingly.

[*Signed:*]
C. Gale, Ch. Justice, Antho. Hatch, Griffith Jones.

[*Endorsed:*]
A Especiall Courts
Role appll. 1715

[*July 1715*]

[*CCR 189*]

North Carolina Ss.

Att a Generall Court Holden for the province aforesaid [*torn*] house of Capt. Richd. Sanderson in Little River [*torn*] the 26th Day of July Anno Domini 1715. Present The Honorable Collonel Christor. Gale Esqr. Chiefe Justice and [*illegible*] [*torn*] Thos. Miller antho. Hatch and Nick. Crisp Esqrs. his assosiates.

The Court adjournd Till the Morrow morneing [*torn*].

Wednessday [*torn*] of the Clock the Court mett [*torn*].

[*Torn*] of [*torn*]ey from adam [*torn*]es of Virginia [*illegible*] [*torn*] was proved in Court by [*torn*] of Mr. Jno. Solley by Vo[*torn*]or the Said Collonel Wm. R[*torn*] acknowledged the assignment [*torn*] pattents for Two Tract of Land one for Two Hundred aceres Lyeing [*torn*] the West side of Reads Creek in pamptico and the other for Six hundred and forty acers Lyeing on Handcocks Creeke in News.

Orderd to be registered together with the Said power [of] attorney.

Wm. Hall being bound over by recognizance to appear at this Court [*torn*] his appearance accordingly and is Dismist without Day [*torn*] fees. The Reverend Jno. urmston took and Subscribed in Court the Several oathes by law appointed.

The Court is adjournd for Two howers.

Att Two Howers the Court meett and Satt and adjournd till the Morrow morneing.

Thursday Morne the Court Meett and Satt.

The Grand Jury were Sworne and are as followeth (videlicet) Mr. Jno. Solley Rob. Lowree Jno. Davis Danl. Guthrie antho. Markum Foster Jarvis Joseph [*torn*]mes Josh. Callaway Jno. Valvay Jno. Snel James Farlow Corl. Fitch[*torn*] Thos. Snoden Obadiah Rich Capt. Lionel Reading etc.

[*Torn*] Court is adjournd for halfe an hower.

At halfe an hower the Court mett and Satt.

[*Torn*] of the Grand Jury made their presentments and are Dismist from further attendance at this Court.

[*Torn*] Richardson Esqr. attorney Generall Comes to prosecuite the presentment of the Grand [Jury] against Wm. Haughton Jno. ottery Saml. Clark and Jno. Clark and said as per presentments [which] the Defendants pleaded not Guilty [*torn*] and for Tryall puts them selves upon the Country: Whereupon it was Comanded the Marshall that he [cause] to Come Twelve etc. whom etc. by whome etc. who neither etc. [*torn*] there Came videlicet Mr. Thos. Garrett Henry Smith Wm. White Richd. Batchelder Jno. Whittbee Geo. Whittbee Fra. Prigin

Harris Willoby Geo. Thomson Fra. [*torn*]den Thos. Williams and Jno. Jennett who being Sworne say wee of the [*torn*] are Guilty of the breach of the act of assembly and there upon the [*torn*] Moseley their attorney Moved in arrest of Judgment and day [*torn*] given to the Second day of the next Generall Court they giveing Securety [*torn*] their appearance at the next Court.

[*Torn*]upon Came Thos. Clark and [*torn*] him [*torn*] debter [*torn*] Sovereigne Ld. the King in the Sume of [*torn*] pounds Sterling upon Condition [*torn*] Ottery Saml. Clark and Jno. Clark [*torn*] personally appear at the next [*torn*] Court and therewith he saith he is Content.

The Court adjournd till the morrow morneing.

Fryday Morne the Court mett and Satt.

[*Torn*] [*illegible*] Porter Esqr. by Edwd. Moseley Comes to prosecute his Suite against Jno. Solley and saith as per [*torn*] and the Said Defendant by Danl. Richardson Esqr. his attorney Comes and Defendes Force and Injury when etc. and for plea Said as per plea. Whereupon [*torn*] Marshall was Comanded the Marshall that he Cause to Come Twelve etc. [*torn*] by whome etc. who neither etc. [*torn*] Came videlicet Mr. thos. Garrett [*torn*] Smith Richd. Batchelder Jno. Whittbee Francis [Lavele] Thos. Williams Jno. [*torn*] Corl. Fitch Partrick Geo. whittbee who being Sworne Say wee of the Jury find [*torn*] which [*torn*] by the Defendant to the [*torn*].

Ordered that the Defendant pay to the Plaintiff the Sume of 49 [*torn*] with Costs alias Execution.

Judgment Satisfied in open Court.

Ordered that a Venire do Issue out to the Provest Marshall [*torn*] Albermarle for a petty Jury of Twelve [*illegible*] to [*torn*] first day of the next Generall Court and a Grand Jury of [*torn*] free holders to appear on Thursday the Third day of the Said Court.

Mary porter Widdow Executor of the Last will and Testament of Jno. Porter Esqr. by Edwd. moseley hir attorney Comes to prosecute hir [*torn*] against Jno. Solley in a plea of Debt and saith as per Narratio and the Defendant in person appeares and produces divers accounts and paper in Discharge [*torn*] Same and refers himselfe to the Judgment of the Court and they have [*torn*] Duely Considered the whole Matter after allowing Discounts Doe [*torn*] to the plaintiffs the Sume: 16 18 10½.

Ordered that the Defendant pay to the plaintiff the Said Sume of 16 18: 10½ with Costs alias Execution.

Judgment Satisfied in Court.

Mary Porter and Jno. Porter Executors of the Last will and Testament of Jno. Porter Deceased Come by E: M: their [*torn*] their Suite against Jno. Solley in a plea of the Case and Saith as per Narratio and [*torn*] the Defendant in persons Comes and produces an account in ballance of the [*torn*] himselfe to the Judgment of the Court to adjust the Same who have [*torn*] the accounts on both sides to find Dew to the plaintiff 2: [*torn*].

Ordered that the Defendant pay to the plaintiff the sume [*torn*].

[*Signed:*]
C. Gale [Chiefe Justice], Griff. Jones, Jno. Porter, Nicholas Cr[*torn*], Thomas M[*torn*].

[*October 1715*]

[*CCR 105*][10]

<93> Cathrine Hide Widdow administratrix etc. of Collonel Edwd. Hide Esqr. Deceased by Jno. Lovick and Wm. Maule Gentlemen her attorneys Comes to prosecute her Suite against James Thigpen in a plea of the Case, and Saith the Said James Doth owe and Stand justly Indebted to her the Said plaintiff in the full Sume of Fourteen pounds Eight Shillings and Seven pence halfe peny as in and by an account here into Court brought Doth and may appear: and the Said James was Called to answer thereunto but Came not Whereupon the plaintiff by her said attorney prayd an order against the Marshall. Ordered that the Marshall of albermarle County have the body of the Said James Thigpen at the Next Generall Court alias Judgment against the Marshall and the said Marshall prayd an attachment against the Estate of the Defendant which is Granted.

Capt. Jno. Bird by Danl. Richardson his attorney Comes to prosecute his Suite against Thos. Everet of a plea of Debt and Saith that the Said Thomas the one and Twentyeth Day of July 1714 by his certaine bill obligatory under his own hand Dated the same Day and year did accknowledge himselfe to owe to the Said Jno. the Sume of forty Shillings to be paid to the Said John when thereunto required Yett the Said Thomas (tho often Thereunto required) The Said Sume of forty Shillings hath not yett paid to the Said John but the Sume to pay Doth altogether Deny and refuse etc. and the Said Thomas was Called to answer thereunto and Came Not Where upon the plaintiff by his attorney aforesaid prayd an order against the Marshall.

Ordered that the Marshall of County albermarle have the body of the Said Thos. Everet at the Next Generall Court alias Judgment against the Marshall for the Debt aforesaid with Cost.

And The Marshall prayd an attachment against the Estate of the Defendant which is Granted.

Collonel Thomas Pollock by Edwd. Moseley his attorney Comes to prosecute his Suite against Jno. Slocomb and Mary his Wife administratrix of the goods and Chattles of James Blunt Deceased of a plea of Debt and Said that Whereas the Said James by a Certaine Writteing obligatory under his own proper hand bareing Date the 26th. Day of Novr. 1706 Did bind and oblige himself his heyrs etc. to pay unto him the Said Thomas the Sume of Twenty Six pounds sixteen Shillings and Two pence to be paid in Buck and Doe Skins Well Dressed That is to Say Buck Skins at 2*s*. and Does at 18*d*. per skin and the said Thomas further Saith that the said James Blunt by one other Writteing obligatory under his

[10] The initial pages of these minutes are too mutilated to transcribe.

proper hand Dated the same Day and year did also bind himselfe his heyrs Executors etc. to pay or Cause to be paid to him the Said Thomas the full and Just Sume of Ten pound and Seven pence to be paid in good Marchantable Neat Porke hides Tallow or fethers as in and by the [*torn*] Writteing obligatory [here] in Court Brought it Doth and may appear which Said Severall [*torn*] Said James in his Lifetime hath not rendred to the plaintiff [*torn*] Since the Death of the Said James but the Same to render [*torn*] as Called to answer thereunto but Came not Whereupon [*torn*] an order against the Marshall.

[*Torn*] of County Bath have the Bodyes of the Said Defendants [*torn*] Judgment against the Marshall for the Debt [*torn*] against the Estates of the Said Defendants which was [*torn*].

<94> Antho. Hatch Esqr. Tresurer of the province by Edwd. Moseley his attorney Comes to prosecute his Suite against Larance Sarson upon an act of assembly Made for the Laying on of Dutyes upon Divers good Imported in to this Goverment and Saith that the Said Larance Doth owe and Stand Justly Indebted to him the Said Antho. in his Quallification aforesaid The Sume of Three pounds for an account of a certaine Negro Imported into this Country Now in possession of the Said Larance for which No Dutyes hath been paid according to the Intent and purport of the aforesaid act Whereby action Doth accrew to him the Said Antho. to require and have of him the Said Larance the Said Sume of Three pounds Yett Nevertheless etc. and the Said Larance was Called to answer thereunto but Came not Whereupon the Said plaintiff by his attorney aforesaid prayd' an order against the Marshall.

Ordered That the Marshall of the County of Albermarle have the Body of the Said Larance Sarson at the Next Generall Court alias Judgment against the Marshall for the Debt aforesaid with Costs.

And the Marshall prayd an attachment against the Estate of the Defendant which was Granted.

Richd. Stamp Comes to prosecute his Suite against Batho. Phelps of a plea of Debt and Complaines that the Said Defendant Stands Justly Indebted to the plaintiff in the full Sume of five pounds Seventeen Shillings and Sixpence in good hard Stone Pitch to be paid to the Said plaintiff when he the Said Defendant Should be thereunto required as in and by his Certaine bill under his proper hand Dated the first day of apprill 1713 here in Court produced it Doth and may appear, etc. Yett Nevertheless etc. and the Said Defendant was Called to answer there unto but Came not Whereupon the plaintiff prayd an order against the Marshall.

Ordered that the Marshall of albermarle County have the body of the said Batho. Phelp at the Next Generall Court alias Judgment against the Marshall for the Debt aforesaid with Cost.

And the Marshall prayd an attachment against the Estate of the Defendant which is Granted him.

Ann Wilson widdow administratrix of the goods and Chattles of Isaac Willson Deceased Comes to prosecute her Writte of Sire facias against John Whittbee and saith that the Said Isaac Willson at a Court holden on Tuseday the 28th. of July 1713 recovered against the said Jno. Whittbee the Sume of five pounds

Eighteen Shillings and a peny halfe peny as in and by a Judgment of the Same Court remaineing upon record it Doth and May appear Execution Whereof as Yett remaines to be Made to the Said Ann in her said Quality etc. and that the Said Defendant appear'd in person and saith he knows no Cause or Could shew any reason why Execution [*torn*] made [*torn*] Judgment aforesaid and thereupon the ordered that the [*torn*] hereby revised and Confirmd etc.

John Solley by Danl. Richardson his attorney Comes to [*torn*] of pamplico of a plea of the Case and Saith that [*torn*] of July 1712 at pamplico aforesaid was Indebted to [*torn*] this province for Divers wares goods and Marchantdizes [*torn*] and be for that time Sold and Delivered and being [*torn*] selfe did assume and to the Said Jno. then and there [*torn*].

<95> Lionel the Aforesaid £29=17*s.*=5*d.* to the said Jno. when he should be thereunto requested would well and faithfully pay and Content Yett Nevertheless etc. and the Said Defendant appeares in person and produces an account in ballance of the plaintiffs which Said account is referd to Collonel Thos. Boyd and Mr. Thomas Hardin to Audite the Same and Make returne Imediate which being Don accordingly. The Ballance was found to be in favour of the Defendant.

Ordered that the Suite be Dismist and the plaintiff pay Costs alias Execution.

John Solley Gentleman Comes by Danl. Richardson his attorney to prosecute his Suite against Capt. Lionel Reading and Saith that Whereas the Said Lionel on or about the 3d day of July 1713 at pamplico was indebted to the Said John in £26=16*s.*=6*d.* Current money of this province for divers wares and Marchandizes to the Said Lionel by the said Jno. then and before that time Sold and Delivered and being so Indebted he the Said Lionel then and there upon himselfe did assume and unto the said Jno. faithfully promised that he the Said Lionel the aforesaid £26=16*s.*=6*d.* to the Said John when he should be thereunto afterwardes required would well and faithfully pay and Content Yett Nevertheless etc. and the Said Defendant in person appeares in ballance of the plaintiffs which Said account is referd to Collonel Thos. Boyd and Mr. Thos. Hardin to Audite the Same and make returne thereof Imediate which being Don accordingly upon returne of the Audite there was found Due to the plaintiff the Sume of Two pounds Six Shillings and Six pence.

Ordered that Lionel Reading pay unto John Solley the Sume of Two pounds Six Shillings and Six pence with Costs of Suite alias Execution.

And Then The Court adjourn'd to The Court in Course.

[*Signed:*]
C. Gale Ch. Justice, Thomas Miller.

[*October 1715*]

[*CCR 103*][11]

<1>His Excellency John Lord Carteret Palatine The most Noble Henry Duke of Beaufort. The Rt. Honorable William Lord Craven, the Honorable Maurice

[11] Although the commission of Christopher Gale printed here is, technically speaking, a recorded paper, it is offered because of its special importance.

Ashley Esqr., Sir John Colleton Bart. John Danson Esqr. And the rest of the true and Absolute Lords Proprietors of Carolina. To Christopher Gale Esqr. Greeting. We reposing Especiall Trust and Confidence in the Ability Care, Prudence and Fidelity of You the said Christopher Gale have Ordain'd Constituted and appointed, And by these presents do Ordain Constitute and Appoint You the Said Christopher Gale by the Name and Stile of Chief Justice or Judge of that part of our Province of Carolina, that lies North and East of Cape Fear To have and to hold and Determine all Pleas, as well Civil as Criminall and those Relating to the Publick Revenue and all other Pleas whatsoever arising and happ'ning within the said part of our Province of Carolina Given and hereby Granting unto You the said Christopher Gale full power and Authority to Do, Perform and Execute all Acts matters and things whatsoever which in the said part of our Province of Carolina, to the Office of a Chief Justice doth in any waie belong or appertain, And in as large and Ample manner to all Intents and purposes as any Justice or Baron, of any of the Courts of Westminster or any of the English Plantations in America or any Justices of Assize or Commissioners of Oyer and Terminer and Goal Delivery in the Kingdome of England, or in America may or ought to perform and Execute To have and to hold the said Office of Chief Justice in the said Part of our Province of Carolina (during our Pleasure) together with all Fees Perquisites priviledges Liberties Immunities and Casualtys, belonging to the said Office, And We do hereby Impower our Governor and Deputies to Choose two persons of able Skill in the Law to be Assistant to our Chief Justice And Such Persons Wee hereby Constitute and Appoint Assistants unto You the said Christopher Gale our Chief Justice, And We do hereby revoak and make Null and Void all former Commissions Granted for the said Office Given at St. James's under our hands and the Great Seal of our Province of Carolina this 26th day of March 1715.

[*Signed:*]

Carteret Palatine, Ja. Bertie for Beaufort, M. Ashley, J. Danson. Recorded this 10th Aprll. 1716. Per Rt. Hicks Clerk.

<2> North Carolina Ss. Charles Eden Esqr. Governor Captain Generall and Admirall of this Province of North Carolina.

To Capt. Richard Sanderson, Jno. Blount, Thos. Miller, Nichos. Crisp Griffith Jones, Thos. Harvy, Jno. Palin Robt. West Jno. Worley Benjn. West Esqr. Greetings.

By Vertue of a Commission and Instructions from his Excellency [the] Palatine and the rest of the Rt. Honorable and Honorable the Lords Proprietors [of] Carolina to me Directed thereby Appointing me to be Governor [*illegible*] Generall and Admirall of this Province of North Carolina with full power and Authority to Commissionate and Appoint all Officers and Majestrates as well Civill as Military within the Same.

I therefore being well Assured of your wisdome Prudence Loyalty and Integrity Do hereby Commissionate and Appoint You Joyntly and Severally (during my Pleasure) Justices of the Peace for this Government to keep or Cause to be kept his Majestys Peace, as also all Laws and Ordinances made for the well government of the Same.

And forasmuch as the Lords Proprietors of this Province have by their Commission under their hands and Great Seale to Christopher Gale Esqr. their Chief Justice required me and their Lordships Deputys here to Commissionate and Appoint Certain Persons of known Skill and Ability to him the said Chief Justice in the holding of Courts and hearing and Determining all Pleas that may be brought before him, therefore I do by and with the Advice and Consent of the Councelers aforesaid hereby Authorize and Impower you and every or any two of You being present to be Associates or Assistants to the said Chief Justice in holding a Generall Court for this Province at the times hereafter Express'd (that is to Say) on the last Tuesday in the months of March, July and October Yearly. And in the holding of all Pleas, hearing and Determining all Actions Suits and Causes whatsoever as well Criminall as Civill mixt Personall or any other kind or Nature whatsoever to proceed thereon and award Judgement with a full power and Authority as any Justice or Associate of the Generall Court heretofore might Could or ought to have Done in all things proceeding according to the Laws Customes and Usuages of this Government and as neer as may be according to the Laws and Customes of Great Brittain[12] <5> towards his Majesty and all his Leige People for twelve months and a day next Coming then the before Recognizance to be Void otherwise to remain in full force and Vertue.

<*Fine pd.*> Then the aforesaid Wm. Mitchell the fine of five Pounds aforemention'd to Danll. Richardson Esqr. Receiver Generall for the Lords Proprietors in Court paid together with all Fees accruing by Vertue of the said Indictment.

<*Liberate.*> Wherefore the said Mitchell of the fine and Imprisonment aforesaid is Released etc.

<*Dominus Rex* v. *Wattson.*> To the Honorable Christopher Gale Esqr. Chief Justice and to his Assistants etc.

The Jurors for our Sovereigne Lord the King that now is Presents Jno. Wattson of Chowan Precinct in the County of Albemarle in the Province of North Carolina For that he the said John Wattson Some time in the month of March last did deceiptfully fraudulently and Cheatingly put on board or Ordered to be putt on board Captain David Spewfords Vessell Five barrels of Pitch as good and merchantable Pitch for and on the behalf of the Honorable Nathaniel Chevin Esqr. And that after the Landing and a Survey or View made there of it was found and adjudged to be not good Pitch, which is Contrary to the Laws of his said Majesty's Realm and against the Honor of his Crown and Dignity etc.

Danl. Richardson pro Domino Rege.

Ordered that the Marshall do take into his Custody the body of the said Wattson so as he have him before the Justices of the next Generall Court to Answer unto the aforesaid Presentment.

<*Lee's Recognizance Continued.*> Be it Remebred that Mary the Wife of Thomas Lee appear'd in her proper Person this Court and prayed that her Appearance might be Recorded to Save the Recognizance Entered into by Thos. Lee her Husband and her Self for her Appearance.

And because the Attorney Generall Saith he is not <6> advised how to proceed, he prayeth Day till the next Court, and that the Recognizance may be Continued.

[12] The manuscript breaks off at this point and pages <3> and <4> are missing.

Which was Granted.
Adjourn'd to the Court in Course Sat. March the last 1716.
C. Gale Ch. Justice

[*March 1716*]

[*CCR 105*]

<99> [*Torn*]

At a Generall Court, or Court of Pleas, and Court of Oyer and Terminer and Generall Goal Delivery held at the House of Captain Richard Sandersons in Little River on Tuesday the 27th of March 1716 and Continued by Adjourments till Satturday the 31st. Present Christopher Gale Esqr. Chief Justice, Captain Richd. Sanderson, Thos. Miller, Griffith Jones, Jno. Worley, Benjn. West, Jno. Palin Esqrs. Assistants.

A Comission from his Excellency John Lord Carteret Palatine and the rest of the True and Absolute Lords Proprietors of this Province bearing date the 26th day of March 1715. Directed to Christopher Gale Esqr. Chief Justice was Publickly read And Ordered to be Recorded. He having before taken the Oaths by Law Appointed at the Councill board.

Also a Comission of the Peace Directed to Captain Richd. Sanderson, Jno. Blount, Thos. Miller, Nichos. Crisp, Griffith Jones, Thos. Harvy, Jno. Palin, Robt. West, Jno. Worley, Benjn. West Esqrs., was read and Published in pursuance to which, Captain Richd. Sanderson, Thos. Miller Griffith Jones, Jno. Worley, Benjn. West Jno. Palin Esqrs. took and Subscribed the Severall Oaths as by Law required.

Robt. Hicks is Appointed by the Chief Justice Clerk to this Court and took and Subscribed the Severall Oaths by Law required for his Qualifycation.

Mr. Thos. Swann by Vertue of a Licence from the Honorable the Governor is Admitted as an Attorney of this Court and took and Subscribed the Severall Oaths by Law required.

The Acts of Assembly pass'd the last Sessions at Little River by Order of the said Assembly were Publickly Read.

The last Will and Testament of Jacob Varnam produced in Court and [*torn*] Jno. Blysh, Jno. Newman and Griffith Jones.

[*Torn*] day the aforesaid Richard Pickering being Solemnly [*torn*] neither prosecuted his Writt aforesaid therefore it is [*torn*] that the said Pickering may be from hence [*torn*] Byrd may go without Day and that the [*torn*] alias Execution. <100> <*Pickering* v. *Byrd.*> And now at this day the aforesaid Richd. Pickering being Solemnly required Came not neither Prosecuted his Writt aforesaid therefore it is Considered and Ordered that the said Pickering may be from hence in mercy, And the said Byrd may go without Day And that the said Pickering pay Costs alias Execution.

<*Pickering* v. *Byrd.*> And now at this day the aforesaid Richd. Pickering being Solemnly required Came not neither prosecuted his Writt aforesaid. Therefore it is Considered And Ordered that the said Pickering may be from hence in

mercy. And the said Byrd Executor of the last Will and Testament of Wm. Rowlison Deceased may go without Day. And that the said Pickering pay Costs Alias Execution.

<*Calf* v. *Roach.*> And now at this day the aforesaid Robt. Calf being Solemnly required Came not neither Prosecuted his Writt aforesaid. Therefore it is Considered and Ordered that the said Calf may be from hence in mercy, And the said Roach may go without Day And that the said Calf pay Costs Alias Execution.

<*Took* v. *Hanson.*> And now here at this day Came the aforesaid James Took by Danll. Richardson his Attorney, and the aforesaid Adolfus Hanson being Solemnly Called came not.

Therefore it is Considered that the Judgement obtained by the said Jams. against Jno. Hacklefield Esqr. Provest Marshall of the County of Albermarle be Confirmed. The said James having made his Debt Appear to be due pursuant to the Directions of the Act of Assembly in that Case made and Provided.

Ordered that the said Jno. Hacklefield do pay to the said Took the Summ of Five pound fourteen shillings and five pence with One pound Sixteen shillings and 6*d*. Costs Alias Execution.

<*And Hacklefield Marshall* v. *Hanson.*> It is also further Granted that the Marshall do recover of the said Adolfus Hanson the Summ of Five pounds fourteen shillings and five pence well as the Costs, Damages and Charges accruing by reason of the said Judgement being Confirmed against him for the said Adolfus Hanson's non Appearance.

Ordered that the said Adolfus Hanson do pay to John Hacklefield Esqr. Provost Marshall the Summ of Five pounds fourteen shillings and [*torn*] the Summ of One pound Seventeen shillings and Costs [*torn*] pence Fee as by Law allowed for In[*torn*] him alias Execution.

And now here at this day the aforesaid Ann [*torn*] required came not neither prosecuted her [*torn*].

Therefore it is Considered and Ordered [*torn*] Administratrix of the Goods and Chattells of Isaac [*torn*] hence in mercy. And the said Cary may [*torn*] <101> the said Ann Willson pay the Summ of One pound nine shillings Costs Alias Execution.

<*H. Cogdall Evidence.*> Upon Petition of Henry Cogdall praying to be allow'd for his Attendance as Evidence in the said Cause.

Ordered that the Plaintiff pay to the said Cogdall the Summ of Eight shillings and four pence Alias Execution.

<*Willson Administratrix* v. *Bateman.*> And now here at this day the aforesaid Ann Willson being Solemnly required came not neither prosecuted her Writt aforesaid.

Therefore it is Considered and Ordered that the said Ann Willson Administratrix of the Goods and Chattells of Isaac Willson Deceased may be from hence in mercy. And the said Bateman may go without day. And that the said Ann Willson pay the Summ of One pound nine shillings Costs Alias Execution.

<*Willson Administratrix* v. *Lawson Executrix.*> And now here at this day the aforesaid Ann Willson being Solemnly required came not neither prosecuted her Writt aforesaid.

Therefore it is Considered and Ordered that the said Ann Willson Administratrix of the Goods and Chattells of Isaac Willson Deceased may be from hence in mercy. And the said Mary Lawson Executrix of the last Will and Testament of Jams. Fewox Deceased may go without Day. And that the said Ann Willson pay the Summ of One pound and nine shillings Costs Alias Execution.

<*Willson* v. *Tomlin.*> And now here at this day the aforesaid Ann Willson being Solemnly required came not neither prosecuted her Writt aforesaid.

Therefore it is Considered and Ordered that the said Ann Willson may be from hence in mercy. And the said Jno. Tomlin may goe without day. And that the said Ann Willson pay the Summ of One pound nine shillings Costs Alias Execution.

<*Guthrie Administrator* v. *Batchelor.*> And now here at this day Came the aforesaid Danll. Guthrie Administrator of all and Singular the goods and Chattells Rights and Creditts of Ebenezer White Deceased by Edwd. Moseley his Attorney and Complains

That Whereas the said Ebenezer in his Life time was possess'd of twenty head of Neat Cattle of the price of thirty pounds Current money of North Carolina and two horses One mare and Colt at the [*torn*] pounds and nineteen head of hoggs at the [*torn*] pounds as of his own proper goods and Chattells. And [*torn*] possessed the said Ebenezer lost these Cattle H[*torn*] afterwards that is to Say on or about [*torn*] 1713 at Hunts Creek in Alegator in the [*torn*] by finding Came to the hands and possession [*torn*] Yet the said Defendant knowing those Ca[*torn*] Hoggs to be the proper Cattlee Horses [*torn*] <102 > and Colt and hoggs of him the said Ebenezer and to him in his Life time to pertain, And to him the said Plaintiff after the Death of the said Ebenezer as Administrator of the goods and Chattells which were of the said Ebenezer at the time of his Death of right to belong and pertain; And Divising and fraudulently intending Craftily and Subtilly to deceive and Defraud the said Ebenezer in his Life and him the said Administrator after the Death of the said Ebenezer; the Same Cattle Horses Mare and Colt and hoggs to the Said Ebenezer, in his Life. Or to the said Administrator after the Death of the Said Ebenezer, altho' the said Defendant by him the said Plaintiff was often required to do the Same after the Death of the said Ebenezer hath not Delivered; But these Cattle Horses Mare and Colt and hoggs afterwards that is to Say the 26th day of Aprll. 1714 at Allegator aforesaid hath Converted and Disposed to his own use to the Damage of him the said Plaintiff One hundred and Twenty Pounds. And in delay of the Administration of the goods and Chattells aforesaid And thereupon he brings this Suit etc. And he produceth here in Court the Letters of Administration etc. which testify the Comission of the Administration aforesaid in form aforesaid etc. And the said Richd. Batchelor by Danll. Richardson his attorney Comes and defends the force and Injury when etc. and saith that he is not guilty and of this he puts himself upon the Country and the said Danll. Guthrie likewise Therefore it was Comanded to Jos. Pegg one of the under Sherriefs of Jno. Hacklefield Provost Marshall that he should Cause to come etc. Twelve etc. by whom etc. and who neither etc. to recognize etc. and there Came Matt. Midyett, Richd. Burtenshall, Edwd. Russell, Harra. Willowby, Jno. Yale, Wm. Willson, Corns. Fitzpatrick, Wm. Hale, Jno. Newman, Richd. Stamp, Jno. Mixon, Thos. Harris who between the partys

aforesaid being impannelled and to say the truth of the premises elected, tried and Sworn, <*Verdict*> did say upon their Oaths Wee of the Jury find for the Plaintiff Sixteen pounds Damages with Costs of Suit. By which then and there it was Considered and Ordered that the said Danll. Guthrie in the Qualifycation aforesaid should recover against the said Richd. Batchelor the Summ of Sixteen pounds by the Jury aforesaid in form aforesaid Asses'd Also the Summ of Two pounds and tenn shillings for his Costs and Charges aforesaid Adjudged Alias Execution.

<*H. Mansfield Evidence.*> Upon the Petition of Hanah Mainsfield prays to be allowed [*torn*] her Attendance etc. as Evidence in the [*torn*] pay to the said Mansfield the Summ of [*torn*] pence Alias Execution.

<[*Torn*] *Executor* [*torn*]> And now here at this day Came the [*torn*] Phelps by their Attorneys and hereupon [*torn*] the said Cause is put in Respite [*torn*] Tuesday in July next Following to be [*torn*] in Chowan Precinct.

<103> <*Hyde* v. *Thickpen.*> And now here at this day Came the aforesaid Hyde Administratrix etc. by her Attorney and by a Speciall Warrant to him in that behalf made Confess'd her Self to be Satisfy'd of the Damages aforesaid therefore the aforesaid James of the said Damages be acquitted etc.

<*Byrd Administrator* v. *Evritt.*> And now here at this day Came the aforesaid Jno. Byrd by Danll. Richardson his Attorney, And the aforesaid Thos. Everitt being Solemnly Call'd came not. Therefore it is Considered that the Judgment obtained by the said John Byrd Administrator of all and Singular the goods and Chattells Rights and Creditts of Wm. Rowlison Deceased against John Hacklefield Esqr. Provost Marshall of the County of Albemarle be Confirmed the said John Byrd having made his Debt Appear to be due pursuant to the direction of the Act of Assembly in that Case made and Provided.

Ordered that the said John Hacklefield do pay to the said Jno. Byrd the Summ of Forty shillings with One pound sixteen shilling and Six pence Costs Alias Execution.

<*And Hacklefield Marshall* v. *Everitt.*> It is also further Granted that the Marshall do recover of the said Thos. Everitt Forty shillings as well as the Costs Damages and Charges accruing by reason of the said Judgement being Confirmed against him for the said Thos. Everitt's non Appearance.

Ordered that the said Thos. Everitt do pay to Jno. Hacklefield Esqr. the Summ of Forty shillings also the Summ of One pound Seventeen shillings and Six pence with Four shillings and two pence Fee by Law allow'd for Judgement against him Alias Execution.

<*Pollock* v. *Slocomb and Executor.*> And now here at this day Came the aforesaid Thos. Pollock Esqr. by Danll. Richardson his Attorney And the aforesaid Jno. Slocomb and Mary his Wife qualify'd as aforesaid being Solemnly Called Came not.

Therefore it is Considered that the Judgement obtained by the said Thos. Pollock Esqr. against Jno. Lillington Esqr. late Provost Marshall of the County of Bath be Confirmed, the said Thos. having made his Debt Appears to be due pursuant to the Directions of the Act of Assembly in that Case made and Provided.

Ordered that the said Jno. Lillington do pay to the said Thos. Pollock Esqr. the Severall Summs of Twenty Six pounds Sixteen shillings and two pence Sterling

and Ten pounds with One pound Sixteen shillings and Six pence Costs Alias Execution.

[*Torn*] granted that the Marshall do recover of the said [*torn*] his Wife the aforesaid Twenty Six pounds Sixteen shillings [*torn*] as the Costs Damages and Charges accruing and [*torn*] being Confirmed against him for the [*torn*] appearance. [*Torn*] said Jno. Slocomb and Mary his Wife do [*torn*] the Severall Summs of Twenty Six pound Sixteen shillings [*torn*] the Sum of One pound Seventeen shillings [*torn*] <104> Six pence with four shillings and two pence Fee as by Law allow'd for Judgement pass'd against him Alias Execution.

<*Hatch* v. *Larson.*> And now here at this day Came the aforesaid Antoy. Hatch by Edward Moseley his Attorney. And the aforesaid Laurence Larson being Solemnly Called came not.

Therefore it is Considered That the Judgement Obtain'd by the said Anthony against Jno. Hacklefield Esqr. Provost Marshall of the County of Albemarle be Confirmed, the said Anthony having made his Debt appear to be Due pursuant to the Directions of the Act of Assembly in that Case made and Provided.

<*And Hacklefield Marshall* v. *Larson.*> Ordered that the said Jno. Hacklefield do pay to the said Anthony the Summ of three pounds with One pounds Sixteen shillings and Six pence Costs Alias Execution.

It is also further Granted that the Marshall do recover of the said Laurence Larson Three pounds as well as the Costs Damages and Charges by reason of the said Judgement being Confirmed against him for the said Laurence Larson's non Appearance.

Ordered that the said Laurence Larson do pay to Jno. Hacklefield Esqr. the Summ of three pounds as also the Summ of One pound Seventeen shillings and Six pence with Four shillings and two pence Fee as by Law allow'd for Judgement pass'd against him Alias Execution.

<*Stamp* v. *Phelps.*> And now here at this day Came the aforesaid Richd. Stamp. And the said Bartho. Phelps being Solemnly Called came not.

Therefore It is Considered that the Judgement obtained by the said Richd. Stamp against Jno. Hacklefield Esqr. Provost Marshall of the County of Albemarle be Confirmed, the said Richard having made his Debt appear to be due pursuant to the Directions of the Act of Assembly in that Case made and Provided.

Ordered that the said Jno. Hacklefield do pay to the said Richd. Stamp the Summ of Five pounds Seventeen shillings and Six pence with One pound Sixteen shillings and Six pence Costs Alias Execution.

<*And Hacklefield Marshall* v. *Phelps.*> It is also further Granted that the Marshall do recover of the said Bartholomew Phelps Five pounds Seventeen shillings and Six pence as well as the Costs Damages and Charges by reason of the said Judgement being Confirmed against him for the said Bartholomew by [*torn*].

Ordered that the said Bartho. Phelps [*torn*] Esqr. the Summ of Five pounds Seven [*torn*] as also the Summ of One pound Seve[*torn*] with Four shillings and two pence Fee [*torn*] Judgement pass's against him. [*Torn*].

<105> <*Boyd* v. *Hassell.*> John Hassell was Attach'd to Answer unto Collonel Thos. Boyd of a Plea that he render him the Summ of Four pounds Fifteen shil-

lings which to him he oweth and from him Unjustly detaineth etc. For that whereas the said John the 10th day of 9ber Anno 1713 in Albemarle County by his certain writing obligatory under his own hand did bind and oblige himself his Heirs etc. to pay unto the said Thos. or Order the full Summ of Four pounds Fifteen shillings in good merchantable Pitch or Tarr at any time when he should be thereunto afterwards required as in and by the Same obligatory writing here into Court brought it doth and may appear Nevertheless the said Jno. the Said Summ of £4 15*s.* 0*d.* hath not yet rendered to the said Thomas altho' he hath been often thereunto required but the Same to render and pay hath gainsayd and doth yet Gainsay to the Damage of the said Thomas £9 Current money of North Carolina and thereof this his Suite is produced etc.

<*Retraxit.*> And the said Thos. Boyd in his own proper person Confesseth himself to be Satisfy'd of the Debt and Damages aforesaid therefore the aforesaid John of the said Debt and Damages is acquitted etc.

<*Boyd* v. *Fisher.* > Jno. Fisher was Summon'd to Answer to Collonel Thos. Boyd of the Precinct of Pasquotank Gentleman of a Plea that he render him Ten Pounds Sterling money of England which to him he oweth and from him unjustly Detains etc. For that whereas he the said John the 31st day of December Anno Domini 1714 in the Province aforesaid by his Certain bill Obligatory under his own hand hereinto Court Produced whose date is the Same day and Year Acknowledged himself to owe and Stand justly indebted to the aforesaid Thos. the Summ of Ten pounds Sterling money of England to be paid to the said Thos. or Order when he the said John should be thereunto afterwards required as in and by the Same bill obligatory it doth and may Appear Nevertheless the said Jno. tho' often requested thereto the said Ten pounds as aforesaid to the said Thos. has not yett paid, but always hitherto has refused, and yet dose refuse so to do to the Damage of the said Thos. £20 of like Sterling money of England and therefore he brings this Suit etc.

<*Attachment presented.*> And the said Jno. Fisher being Solemnly Called came not. It is therefore granted at the motion of the said Thos. Boyd in his own proper person made that an Attachment be Issued out against the goods and Chattells of the said Fisher thereby to Compell him to Appear [*torn*] it of the said Boyd returnable to the next Court [*torn*] Queen Ann's Creek in Chowan Precinct the last [*torn*].

[*Torn*] and Constance his Wife Administratrix of the Goods [*torn*] Gentleman late of Pequimons Deceased was Attached [*torn*] Merchant of a Plea that they render him [*torn*] Eight pence which to him they owe and from [*torn*] <106> And whereupon the said Plaintiff by Collonel Boyd his Attorney Complains that whereas the said Plaintiff in the Province aforesaid on the 11th or 18th day of Sept. which was in the year of our Lord God 1712 at the Especiall Instance and request of the said Thos. Snoden Deceased had Sold and Delivered to the said Thos. Snoden one Piece of Stuff 7 [*illegible*] 38 yards at 3*s.* 4*d.* per yard Amounting to the Summ of Six pounds Six shillings and eight pence for and in Consideration whereof the said Thos. Snoden then and there upon himself did Assume and unto the said Jno. did faithfully promise that he the said Thos. the said Summ of £6 6*s.* 8*d.* when he should be thereto afterwards required unto the said Jno. he would well and truly pay and Content Yet nevertheless the said

Thos. Snoden in his life time the said Summ aforementioned unto the said Jno. Smith has not paid nor the Defendant in their quality aforesaid Since his Decease but the Same to pay always did and Still doth Deny and refuse altho' often thereunto requested to the Damage of the said Jno. Smith Twelve pounds and therefore he brings this Suite etc.

<*Judgement Confess'd.*> And the aforesaid Ja. Williamson and Constance his Wife Comes and defends the force and Injury when etc. and say nothing in barr or avoidance of the aforesaid Action of the aforesaid Smith by which the said Smith against the said Ja. and Constance should remain undefended.

<*Judgement Satisfyd.*> Therefore it is Considered that the aforesaid Smith shall recover against the said James and Constance Administratrix etc. the Summ of Four pound One shilling and eight pence being the ballance due which said Summ of Four pound one shilling and eight pence being paid in Court to the said Smith. Therefore the said James and Constance of the Debt and Damages Are Acquitted.

<*Newman* v. *Russell.*> Edwd. Russell of Cuscopernon in the County of Albemarle was Attached to Answer unto Jno. Newman Junior of Boston in the County of Suffolk in New England Merchant of a Plea that he render him the Summ of Two pounds two shillings and Six pence Sterling money which to him he oweth and from him unjustly Detains etc.

For that whereas the said Edward the 22d day of December Anno 1714 at Albemarle County aforesaid by his Certain writing obligatory under his own proper hand and Seale dated the Same day and Year did bind and oblige himself his Heirs etc. to pay unto the said Jno. the aforesaid Summ of Two pounds two shillings and Six pence Sterling money at any time when he should be thereunto requested after the first day of March then next Ensuing as in and by the said writing obligatory here into Court [brought] it doth and may appeare. Nevertheless the said [*torn*] two shillings and Six pence altho' he has [*torn*] hath not yet rendered to the said Jno. [*torn*] hath Denyed and yet doth Deny and refuse [*torn*] Four pounds Sterling money and [*torn*].

And the said Jno. Newman in his own [*torn*] to be Satisfyed of the Debt and Damages [*torn*].

Therefore the said Edwd. Russell of [*torn*] acquitted.

<107> <*Low Administrator* v. *Solley.*> John Solley Gentleman was Attached to answer Emanuell Low of Pasquotank Precinct Administrator of the goods and Chattells of Wm. Vaughan late of Pasquotank Precinct Merchant that he do render a reasonable Account of the time in which he was Factor, Bayliff and Receiver of the moneys of the said William Vaughan etc.

And whereupon the said Plaintiff by Edward Moseley his Attorney Saith That whereas the aforesaid Defendant was Factor Bayliff and Receiver of the moneys of the said William Vaughan in the Government of North Carolina from the Second day of September 1710 untill the 21st day of Seper. 1711 And by the Same time had and received of the said Wm. Vaughan One Cask of Rumm Containing Seventy gallons, to Merchandize and make profitt thereof with the Indians for the use of the said William And to render a reasonable Account to the said William of the Issue Profitts and moneys aforesaid when he should be thereunto required;

Yet the said Defendant altho' often required hath not yet Rendered his Reasonable Account aforesaid to the said William in his Life time or to the said Plaintiff Since the Death of the said William but the Same to render hath and doth Still refuse and Deny to the Damage of the said Administrator One hundred pounds, And in Delay of the Administration aforesaid And thereupon he brings this Suite etc. And the Plaintiff brings here into Court the Letters of Administration etc. which Testify the Comission of the Administration aforesaid etc.

<*Plea.*> And the said Defendant Defendeth the force and Injury Declares etc. and Saith, that he Cannot Deny the Action of the aforesaid Plaintiff but that he ought to Account with the aforesaid Plaintiff of the moneys aforesaid the form in which the said Plaintiff hath above Declared against him And further the Defendant Saith that he is ready to Account thereof etc.

Therefore it is Considered that the aforesaid Defendant may and do Account with the said Plaintiff etc. And hereupon Mr. Jno. Blysh and Mr. Joseph Glaister in the presence of the said Defendant are Assigned Auditors by the Court here to hear the Account and to make Report thereof to the next Court.

<*Went* [*torn*]. > Cary Godby of the Precinct of Chowan in Albemarle County Planter was Attached to Answer unto Samll. Calf of Boston in New England Merchant of a [*torn*] the Summ of Seventeen pounds two shillings [*torn*] them he owes and from them unjustly detains and [*torn*] the said Cary Godby at Albemarle County [*torn*] obligatory under his proper hand and Seal [*torn*] Anno 1715 did bind and Oblige himself [*torn*] well and truly to Pay unto the said Samll. and Robt. [*torn*] or either of their Heirs Executors Administrators or [*torn*] <108> Attorney for Valuable Consideration by the said Cary Godby then in hand Receiv'd the full Summ of Seventeen pounds two shillings Sterling at any time when he should be thereunto required after the first day of Sept. then next Ensuing, as in and by the Same Writing obligatory Signed and Seald as aforesaid here in Court Produced it doth and may Appear Nevertheless the said Cary Godby his obligation aforesaid not regarding the said Summ of Seventeen pound two Shillings Sterling as aforesaid unto the said Samll. and Robt. or either of them hath not Yet paid nor in any manner of ways hath given Content but the Same to render or pay hath Deny'd and Still doth Deny and refuse tho' often thereunto requested to the Damage of the said Samll. and Robt. thirty Pounds in like Sterling money and therefore this their Suit is brought etc.

<*Continued.*> And now here at this day Came the aforesaid Wentworth and Calf and the aforesaid Godby by their Attorneys and hereupon by the Consent of both Partys the said Cause is put in Respite untill the next Court.

<*Harrison and Company* v. *Godfrey.*> Simon Godfrey Marriner was Attached to Answer the Suite of George Harrison and Company in a Plea of the Case ad [Damnum] One thousand Pounds.

And the said Plaintiff being Solemnly Called came not neither filed any Declaration.

It is therefore Considered and Ordered that the said Harrison and Company may be from hence in mercy. And the said Godfrey may go without day and that the said Harrison and Company Pay Costs Alias Execution.

<*Bundy* v. *Willson.*> Caleb Bundy Owner of the Sloop Jane and Mary is

Plaintiff and Wm. Wilson of Pasquotank Marriner is Defendant in a Plea of Tresspass on the Case.

And the said Plaintiff by Edward Moseley his Attorney Complains against the said Defendant For that whereas the said Defendant at Pasquotank in the Province and within the Jurisdiction of this Court on or about the 21st of Febry. Anno Domini 1715 in Consideration that the said Plaintiff at his the Defendants Speciall Instance and request would well and truly pay the Defendant the Summ of Five pounds for every month he the said Defendant should Continue Master of the said Sloop Jane and Mary during a Voyage to be made with the said Sloop from Pasquotank aforesaid to the Island of Jamaica and from [*torn*] Freight Offered for Virginia or this [*torn*] for Virginia or this Government otherwise [*torn*] Salt Panes and then directly for this [*torn*] be paid at the Second delivery Port [*torn*].

In Consideration whereof the [*torn*] there faithfully promise that during [*torn*] would well and faithfully behave himself [*torn*] and would use his best Endeavour to [*torn*] the Sailing Orders Delivered him by the [*torn*] <109> would also well and truly Dispose of for the best Advantage and Profitt of the said Plaintiff in Jamaica aforesaid Such Summ or Summs of money as should become due to the Plaintiff for the freight of Such goods as should be Loaden on board the said Sloop and a true Account thereof would pay and render to the said Plaintiff at and upon the Arrivall of the said Sloop Jane and Mary into this Government Nevertheless the said Defendant his promise and Assumption made as aforesaid nothing minding but maliciously and Craftily designing (as much as in him lay) the prejudice Ruine and overthrow of the said Plaintiff his Sloop Voyage and Loading, his Sailing Orders aforesaid hath not followed nor yet rendered and payd to the said Plaintiff Such Summ and Summ of money as is become due to the Plaintiff for the freight of Such goods and Passengers as were Transported in the said Sloop Jane and Mary, but the Same to Render and pay hath and doth Still refuse tho' often thereunto requested. Whereupon the Plaintiff Saith he is damnifyed One hundred Pounds Sterling And thereupon he brings this Suit etc.

<*Continued.*> And now here at this day Came the aforesaid Caleb Bundy by Edwd. Moseley his Attorney, And the aforesaid Wm. Willson in his own proper Person And hereupon by the Consent of both Partys the Cause is put in Respite untill the next Court.

<*Smith* v. *Willson.*> William Willson of the Precinct of Pasquotank Marriner was Attached to Answer unto William Smith of the Same Place Mariner of a Plea of the Case.

And whereupon the said Plaintiff Complains that whereas the said Defendant the 24th day of Sepr. 1715 by his noat under his proper hand Charged on Mr. Caleb Bundy for Payment thereof did acknowledge to owe and Stand justly Indebted unto the Plaintiff the full Summ of four Pounds and Six shillings Current money of this Province as in and by the said Noat or writing here into Court brought ready to be produced doth and may more fully at Large Appear, Nevertheless the Defendant nor the said Caleb Bundy the said Summ of Four Pounds and Six shillings unto the said Plaintiff hath not Yet paid but the Same to pay

hath Deny'd and Still doth Deny and refuse altho' often thereunto requested to the Plaintiffs Damage Eight Pounds And therefore this his [*torn*].

<*Judgement Confessed.*> [*Torn*] this day Came the aforesaid William Smith by a [*torn*] him in that behalf made Confess'd himself [*torn*] Damages aforesaid Therefore the aforesaid [*torn*] Damages be Acquitted.

[*Torn*] Pasquotank Precinct was Attach'd to Answer [*torn*] Junior of the Same Place Weaver of a Plea [*torn*] against the Defendant For that whereas the said Plaintiff [*torn*] Jurisdiction of the Court at the Especiall <110> Instance and request of the said Defendant at divers and Sundry times had done and performed Certain Services and Labour for and on Account of him the said Defendant as in and by an Account thereof of Sundry dates from the Year of our Lord 1706 to Febry. the 28th last past amounting in all to the Summ of Twelve pounds Six shillings and Six pence Current money of this Province filed in the Office of this Court it doth and may more fully and at Large Appear in Consideration of which said Service done and perform'd by the Plaintiff as aforesaid the said Defendant upon himself did Assume and unto the Plaintiff did faithfully promise that he the said Defendant the said Summ of Twelve pounds Six shillings and Six pence at any time when he should be thereunto afterwards required unto the said Plaintiff he would well and truly Content and Pay Yett nevertheless the Defendant his promise and Assumption made as aforesaid nothing minding or regarding, but fraudulently designeing him the said Plaintiff to wrong and Defraud the Said Summ of Twelve pounds Six Shillings and Six pence hath not Yett rendered to the Plaintiff nor in any manner of ways hath given Content but the Same to render and Pay hath Gainsay'd and doth as yet Gainsay altho' he has been often thereunto requested to the Damage of the said Plaintiff Twenty pounds of Like money And therefore he brings this Suite etc.

<*Continued.*> And now here at this day Came the aforesaid Wm. Cartwright in his own proper Person And the aforesaid Emll. Low by Edwd. Moseley his Attorney And hereupon by the Consent of both Partys the Cause is put in Respite untill the next Court.

<*Newman* v. *Hendrey.*> Thos. Hendrey (alias dictus) Thos. Henry of North Carolina Planter was Attached to Answer unto Jno. Newman Junior of New England Merchant of a Plea that he render him Four Pounds Ten shillings Sterling which to him he oweth and from him unjustly Detains etc.

For that whereas the said Thos. at Pasquotank within the Jurisdiction of this Court by his Certain Bill or writing Obligatory under this proper hand and Seal did bind and oblige himself his Heirs etc. to Pay or Cause to be paid unto the said Jno. the full and Just Summ of Four Pounds Tenn shillings Sterling money of England when he should be thereunto required after the first day of December last past as in and by the said writing here into Court brought Doth and [*torn*] Yett nevertheless the said Thos. the aforesaid Summ [*torn*] shillings [*torn*] Sterling money of England as aforesaid [*torn*] hath not yett paid but the Same to render and [*torn*] deny and refuse altho' he hath been often [*torn*] Damage of the said John the said Summ [*torn*] Sterling and therefore this his Suite [*torn*]

<*Cause.*> And the said Defendant by his Attorney [*torn*] untill the next Court to be held the [*torn*] to Answer to the said Plaintiff of the [*torn*] day is also

Given to the Plaintiff. <*Paid.*>

<111> <*Bateman* v. *Jennet.*> John Jennett was Attached to Answer unto Jno. Bateman of a Plea that he render him Two Pounds Eleven shillings which to him he oweth and from him unjustly Detaineth.

And thereupon the said Plaintiff Complains that whereas he the said Plaintiff in the Year of our Lord 1712 at the Instance and request of the said Defendant had sold and Delivered unto him the said Defendant divers wares and merchandizes to the Value of two Pounds and Eleven shillings Current money of this Province as in and by an Account thereof filed in the Office and here into Court brought it doth and may more fully and at large Appear for and in Consideration whereof he the said Defendant upon himself Assum'd and unto the Plaintiff did faithfully promise that he the said Defendant the aforesaid Summ of Two pounds Eleven shillings when he should be thereunto afterwards required unto the said Plaintiff he would well and truly Content and pay, Yet nevertheless the Defendant the said Summ of Two pounds Eleven shillings Current money as aforesaid unto the Plaintiff hath not Yet Paid nor in any manner of ways have given Content but the Same to Render and pay hath Gainsay'd and Still doth Gainsay altho' he has been often thereunto requested to the Plaintiff's Damage Five Pounds And therefore he brings this Suit etc.

<*Continued.*> And now here at this day Came the aforesaid Jno. Bateman and the aforesaid Jno. Jennet in their own proper Persons And hereupon by the Consent of both partys the Cause is put in Respite untill the next Court.

<*Wilkisson* v. *Hassell.*> John Hassell late of Scupperlung in the Precinct of Chowan in County Albemarle was Summon'd to Answer William Wilkinson of a Plea that he render unto him goods and Chattells to the Value of Fifty Pounds the which from him he unjustly Detains and etc. Whereupon the said William by Danll. Richardson his Attorney Saith that he the said William on or about the Twenty ninth day of August Anno Domini 1715 did deliver to the said John Two Iron Potts and pott hooks, Two Frying pans, Two meal Sifters, Two Chests one bed and three blanketts, One Sheet two Indian Matts, One Bedstead and bed Cord, One pewter Pottle bason, two Porringers Eleven Spoons, Two washing Tubbs, two Earthen basons, one [*torn*] Cutter [*torn*] three Earthen Cupps, Two Pails, One New England [*torn*] One Small Hoggin, One Powdering Tub, One [*torn*] beer Cask, One hand Saw, One broad Ax, One Carpenter's [*torn*] knife, Four Chissells, One Plane, Four Piercers, [*torn*] One falling Ax, One new hilling hough, [*torn*] old falling Ax, One old drawing knife, [*torn*] Gunn powder horn and Shott bagg, two Sowe and [*torn*] Value of thirty pounds; And also a large Quantity [*torn*] Value of twenty Pounds to be Safely kept [*torn*] <112> redelivered unto him the said William when he should be thereunto requested, Yet the said John hath not as Yett Delivered the aforesaid Goods and Chattells to the said William tho' he has been often thereunto requested But the Same to him hitherto has refused to Deliver and yett doth refuse from whence he saith that he is Detrimented and hath Damage to the Value of Sixty Pounds, And thereupon this his Suite is Produced etc.

<*Imparlance.*> And the said Defendant in his own proper Person prayeth licence to Imparle untill the next Court to be holden the last Tuesday in July

next following to Answer the said Plaintiff of the Plea aforesaid And he hath it. The Same day is also given to the Plaintiff.

<*Speciall Security.*> And hereupon at the motion of the Plaintiff the Marshall is ordered to keep the body of the said Defendant in Safe Custody till he give Speciall Security in the Summ of Sixty Pounds for his Appearance at the next Court then and there to Answer the Suit of the said Plaintiff.

<*Eddy* v. *Bretenshall.*> Benjamin Eddy Complains of Richard Bretanshall of Pasquotank in County Albemarle in the Province aforesaid Planter in the Custody of the Marshall etc. of a Plea that he render unto him Twelve pounds Current money of this Province which he owes unto him and unjustly detains. For that whereas the said Richard the Twentieth day of Septr. 1715 at Pasquotank aforesaid in the County and Province aforesaid by his Certain writing under his own hand and here in Court now ready to be produced the date whereof is the Same day and Year bindeth himself to pay unto the said Benjamin Twelve pounds in Bills of this Province, And the said Benjamin in Fact Saith that he the said Richard did not pay unto the said Benjamin the aforesaid Twelve pounds, as he ought to have done from whence an Action Accrues to the said Benjamin to gett and have of the aforesaid Richard the aforesaid Twelve pounds, And notwithstanding the said Richard has been requested thereto etc. the said Twelve pounds the said Richard has not yet paid but hitherto has refused and Still doth refuse so to do to the Damage of the said Benjamin Twenty pounds and thereupon this his Suit is Produced etc.

<*Judgement Confess'd.*> And the aforesaid Richard Comes and Defends the force and Injury when etc. and Saith nothing in barr or accordance of the aforesaid Action of the aforesaid Benjamin by which the said Benjamin against the said Richard should remain undefended.

Therefore it is Considered that the [*torn*] Ben[*torn*] recover against the said Richard as well the aforesaid Summ of [*torn*] the Summ of One Pound twelve Shillings for his [*torn*] Sustained.

<*Duckenfield* v. *Prince.*> Joseph Prince Mariner was [*torn*] Wm. Duckenfield Esqr. ad Damnum [*torn*] Plaintiff being Solemnly Called came [*torn*] <113> <*Retraxit.*> Therefore it is Considered and Order'd that the said Duckenfield may be from hence in mercy, And the said Prince may go without day, And that the said Duckenfield pay Costs Alias Execution.

<*Low* v. *Cartwright.*> William Cartwright Junior of Pasquotank weaver was Attacht to Answer unto Emll. Low of the Same place of a Plea of Detinue And whereupon the said Emll. Complains that whereas the said William Videlicet in the month of August last past has deluded into the Custody of the said William at Pasquotank aforesaid within the Jurisdiction of this Court Divers goods and Chattells (Videlicet) Six pounds and a half of Cotton Yarn and thirteen pounds of Woollen Yarn of the full Value of Five pounds Fourteen shillings and nine pence the proper goods and Chattells of the said Emll. he the said William did then and there Assume and to the said Emll. did faithfully promise that he the said William so soon as he had woven the said Cotton and woollen Yarn into Cloth or any time when he should be thereunto afterwards required the Same Cotton and woollen Yarn unto the said Emll. he would well and truly restore and Deliver.

Nevertheless the said William the aforesaid Cotton and woollen Yarn unto the said Emll. to restore and Deliver hath hitherto Gainsaid and doth as yett gainsay and the Same from the said Emanuell doth unjustly detain and keep back to the Damage of the said Emanll. Ten pounds and therefore this his Suit is produced etc.

<*Continued.*> And the said Cartwright being Solemnly Called Came And hereupon by the Consent of both partys the said Cause is put in Respite till the next Court.

<*Smith* v. *Pendleton.*> William Smith merchant is Plaintiff and Thos. Pendleton of Pasquotank Precinct is Defendant in a plea of the Case.

And the said Plaintiff Complains against the Defendant for that whereas the said Plaintiff the 11th day of October last past at Pasquotank aforesaid at the instance and request of him the said Defendant had Sold and Delivered unto him the said Defendant Divers goods and merchandizes (Videlicet) Twenty two yards of Ozenbrigs at the price of 2*s.* 6*d.* per Yard and three and a half yards of Garlix holland at the rate of 5*s.* 9*d.* per Yard Amounting in [*torn*] the Summ of three pounds Fifteen shillings and a 1½*d.* Current [*torn*] in Consideration whereof the Defendant did [*torn*] Plaintiff did faithfully promise that he the said [*torn*] three pounds Fifteen shillings and 1½*d.* when he [*torn*] afterwards required unto the said Plaintiff he would [*torn*] and Content Yet nevertheless the Defendant his [*torn*] not regarding the said Summ of three pounds [*torn*] hath not yet rendered to the Plaintiff but [*torn*] pay hath and doth as Yet Deny and refuse <114> altho' he has been often thereunto requested to the Plaintiffs Damage Seven Pounds and therefore this his Suite is produced etc.

<*Retraxit.*> And the said Plaintiff in his own proper Person Confesseth himself to be Satisfy'd of the Damages aforesaid Therefore the aforesaid Defendant of the aforesaid Damages is acquitted.

<*Newman* v. *Mixon.*> John Mixon was Attached to Answer to Jno. Newman Merchant of New England of a Plea that he render him Two hundred and twenty pounds of Tobacco or two pounds nine shillings which to him he oweth and from him unjustly Detaineth and thereupon the said Plaintiff Complains that wherein he the said Plaintiff Some time in the month of August last past at the Instance and request of the Defendant did Sell and Deliver to him the Defendant Severall Goods wares and merchandizes to the Value of two pounds nine shillings Current money of this Province or Two hundred and twenty pounds of Tobacco as in and by an Account thereof filed in the Office and here into Court brought it doth and may more fully and at large appear for and in Consideration whereof he said Defendant did faithfully promise unto the Plaintiff that he the said Defendant the aforesaid Summ of two pounds nine shillings or two hundred and twenty Pounds of Tobacco he the said Defendant would faithfully Render and Pay to him the said Plaintiff when he should be thereunto requested. Yett nevertheless the Defendant the said Summ of Two pounds nine shillings or the two hundred and twenty pounds of Tobacco hath not yet paid nor in any manner of ways given Content but the Same to render and pay hath gainsayd and still doth Gainsay altho' he hath been often thereunto Requested to the Plaintiffs Damage Four pounds Eighteen shillings Sterling and therefore this his Suite is produced etc.

<*Attachment.*> And the said Defendant being Solemnly Called came not Wherefore it is granted that the Marshall do Attach the goods and Chattells of the said Mixon so as he Compell him to Appear at the next Court to Answer the Plaint aforesaid.

Account prov'd and Ordered to remain upon the Files.

<*Newman* v. *Mixon.*> John Mixon was Attached to Answer unto Jno. Newman Merchant of New England of a Plea that he render him Five pounds Sterling money which to him he oweth and from him unjustly detaineth and thereupon the said Plaintiff Compla[*torn*] John the 27th day of August 1715 in the [*torn*] did bind and oblige himself by a Certain writing [*torn*] own hand and Seale and here into Court brought [*torn*] the date whereof is the Same day and Year [*torn*] pounds Sterling money of England [*torn*] requested after the 20th day of Septr. [*torn*] the aforesaid Summ of Five Pounds Sterling [*torn*] <115> not paid nor in any manner of ways hath Given Content but the Same to pay and render hath Gainsay'd and still doth Gainsay altho' he hath been often thereunto Requested to the Plaintiffs Damage Ten pounds and therefore this his Suit is Produced etc.

<*Attachment.*> And the said Defendant being Solemnly Called Came not wherefore it is Granted that the Marshall do Attach the goods and Chattells of the said Mixon so as he Compell him to Appear at the next Court to answer the Plaintiff aforesaid.

<*Newman* v. *Bertenshall.*> Richard Burtenshall was Attached to Answer unto John Newman Merchant of New England of a Plea that he Render him thirty Shillings Sterling money of England which to him he oweth and unjustly Detaineth and thereupon he the said Jno. Complains that the said Richard did bind and oblige himself by a Certain writing or obligation under his own hand and Seal and here into Court brought and ready to be produced to pay unto the Plaintiff the Summ of thirty shillings Starling money when he should be thereunto after the date of the said writing or obligation requested Yet nevertheless the Defendant the aforesaid Summ of thirty shillings Sterling unto the said Plaintiff hath not yet paid nor in any manner of ways given Content but the Same to Render and pay hath Gainsayd and still doth Gainsay altho' he hath been often thereunto requested to the Plaintiff Damage Three pounds Sterling and therefore this his Suit is produced etc. Edwd. Moseley for the Plaintiff

<*Judgement Confess'd.*> And the aforesaid Richard Comes and Defends the force and Injury when etc. and saith nothing in barr or avoidance of the aforesaid Action of the aforesaid Jno. by which the said Jno. against the said Richard should remain undefended.

Therefore it is Considered that the aforesaid Jno. shall recover against the said Richard as well the aforesaid Summ of thirty shillings Sterling as also the Summ of One pound twelve shillings for his Costs and Damages in this Case Sustained.

<*Ward* v. *Birkhead.*> John Birkhead of the Precinct of Chowan Planter was Attached to Answer unto William Ward of the Same Precinct Cooper in a Plea of trespass etc.

And [*torn*] Wm. by Thos. Bray his Attorney Complains that the [*torn*] with Severall other Strange men on or about the [*torn*] which was in the Year of our Lord 1714 into the [*torn*] the said William in the Precinct aforesaid by force and

[*torn*] same then and there did break down burn and destroy [*torn*] Sundry of the Necessarys and houshold furniture [*torn*] then and there being all which were at the [*torn*] burnt and Destroy'd by him the said John in the [*torn*] One good Chest, One water Pail, One Earthen [*torn*] <116> One bed Cord, divers and Sundry wearing Cloaths both Linen and woollen, 4 or 5 bushells of Indian Corne, and Severall other necessarys to the Value of Fifty Pounds Sterling money of Great Brittain in Contempt and against the Peace of our Sovereign Lord the King that now is etc. and to his the said Williams great damage, whereby he says he is damnifyed and damage hath to the Value of One hundred Pounds of like Sterling money of Great Brittain etc. And thereupon he brings this Suit etc.

Thos. Bray for the Plaintiff

<*Plea.*> And the said Defendant by Edwd. Moseley his Attorney Comes and defends the force and Injury when etc. and saith that he is not Guilty and of this he puts himself upon the Country and the Plaintiff Likewise.

Therefore it was Command to Josph. Peggs Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall that he should Cause to Come etc. twelve etc. by whom etc. and who neither etc. to recognize etc. and there Came Matt. Midyett, Richd. Burtenshall, Jams. Thickpen, Wm. Hardy, Rt. fewox, Edwd. Russell, Haris Willowby, Jno. Yates, Wm. Willson, Richd. Batchelor, Jno. Jennet, Corns. Fitzpatrick who between the partys aforesaid being Empannelled and to Say the truth of the Premises, elected tryed and Sworn did Say upon their oaths. <*Verdict.*> Wee of the Jury find for the Plaintiff twenty shillings with Costs and Damages.

<*Judgement.*> By which it was Considered and Ordered that the Plaintiff should recover against the said Defendant the Summ of twenty shillings by the Jury aforesaid in form aforesaid assess'd together with Costs of Suite in this Case Sustained.

<*Satisfyed.*> Which said Summ of twenty shillings together with Costs of Suite being paid in Court to the said Plaintiff therefore the said Defendant of the Damages and Costs aforesaid is acquitted etc.

<*Ward* v. *Dudley.*> Christopher Dudley of the Precinct of Chowan Planter was Attached to Answer unto Wm. Ward of the Precinct aforesaid Cooper of a Plea of trespass upon the Case etc.

And whereupon the aforesaid William by Thos. Bray his Attorney Complains that whereas he the said William on or about the 25th day of Novr. which was in the Year of our Lord 1714 at or near to his then dwelling House in the Precinct aforesaid was possessed of Certain beasts, that is to Say, Seven [*torn*] three young Cows and four two year old Cows [*torn*] of twenty pounds as of his own proper beasts, [*torn*] possessed the said Beasts out of his hands and possession [*torn*] beasts afterwards (to witt) on or about [*torn*] at or near the then dwelling house [*torn*] to the hands and possession of him [*torn*] or other more fraudulent means [*torn*] the said Christopher knowing the said be [*torn*] <117> of him the said William, and to the said William of Wright to belong and appertain, Craftily and fraudulently nevertheless intending the said Wm. in that behalf Subtily to deceive and Defraud the said Seven head of Cattle aforesaid tho' often thereunto required hath not delivered but the Same afterwards (to witt) on or about the 27th day of

the said Novr. at his the said Christopher's then dwelling house in the Precinct aforesaid to his the said Christopher's own proper use and profitt Converted and Disposed to the Damage of him the said William Forty Pounds, and thereupon he bringeth this Suit etc.

<*Plea.*> And the said Defendant by Edwd. Moseley his Attorney Comes and Defends the force and Injury when etc. and saith that he is not Guilty and of this he puts himself upon the Country and the Plaintiff likewise.

Therefore it was Commanded to Josph. Pegg Deputy Marshall to Jno. Hackelfield Esqr. Provost Marshall, that he should Cause to Come etc. twelve etc. by whom etc. and who neither etc. to recognize etc. and there Came, Matt. Midyett, Rd. Burtanshall, Edwd. Russell, Har. Willowby Jno. Yates Wm. Willson Corns. Fitzpatrick Wm. Hall Jno. Newman, Jno. Mixon, Thos. Harris, Rd. Batchelor who between the partys aforesaid being Impannelled, and to say the truth of the premises Elected tryed and Sworn did say upon their Oaths.

<*Verdict.*> Wee of the Jury find for the Defendant.

<*Judgement.*> Therefore it is Granted that the aforesaid Plaintiff take nothing by his bill aforesaid but that he be in mercy for his false Clamour etc. And the aforesaid Defendant be thereof without day, And the Plaintiff pay Costs Alias Execution.

<*Evidences.*> Upon Petition of Nichos. Ferrill and Thos. Garret Junior praying to be allow'd for their Attendance etc. as Evidences in the said Case.

Ordered that the Plaintiff pay to the said Ferrill and Garrett the Summ of Fifteen shillings and ten pence each Alias Execution.

<*Maule* v. *Harris.*> Collonell Wm. Maule of the Precinct of Chowan is Plaintiff and Thos. Harris of the Same Precinct Planter is Defendant in a Plea of Trespass etc. And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that the aforesaid Defendant the 10th day of Augst. Anno Domini 1715 [*torn*] etc. a Certain Guilding of the aforesaid Plaintiff price [*torn*] Chowan Precinct found took and that Guelding [*torn*] Excessively and hastily rode and laboured that, [*torn*] of the said Defendant instantly dyed and other wrong [*torn*] Pounds etc. and against the Peace of our Sovereign [*torn*] now is etc. And thereupon the Plaintiff brings [*torn*] by Thos. Swann his Attorney Comes and Defends <118> the force and Injury when etc. And for Plea Saith that he is not Guilty of taking the aforesaid Horse in manner and form as the Plaintiff hath Sett forth in his Declaration because he Saith that the Horse was Imprest by Richd. Pickerin and Delivered to the Defendant, who was also Imprest to Carry an Express to Pamplico Town; further the Defendant saith he had good Authority for the riding the aforesaid Horse to Pamplico aforesaid and of that he putteth himself on the Country etc. and the Plaintiff likewise.

Therefore it was Commanded to Josph. Pegg Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall that he should Cause to come etc. twelve etc. by whom etc. and who neither etc. to recognize etc. and there Came Matt. Midyett, Rd. Burtenshall, Edwd. Russell, Harris Willowby, Jno. Yate, Wm. Willson, Corns. Fitzpatrick, Wm. Hall, Jno. Newman, Jno. Mixon, Rd. Batchelor, Jno. Kent who between the Partys aforesaid being Impannelled and to say the truth of the premises elected, tried and Sworne did say upon their Oaths,

<*Verdict.*> Wee of the Jury find for the Plaintiff Damages Ten Pounds.

<*Judgement.*> By which it was Considered and Ordered that the said Plaintiff should recover against the said Defendant the Summ of Ten pounds by the Jury aforesaid in form aforesaid Assesed together with Costs of Suit in the Case Sustained Alias Execution.

<*Boyd* v. *Jenkins.*> The marshall was Commanded to Attach the body of Joseph Jenkins of Boston in New England Marriner to Answer unto Collonel Thos. Boyd of a Plea that he render him twelve pounds which to him he oweth and from him unjustly Detains etc.

For that whereas the said Josph. the 27th day of Febry. 1713/4 as Pasquotank within the Jurisdiction of this Court and at the desire and request of him the said Joseph had and did receive of him the said Thomas One Boat of the Value of Ten pounds also two barrills of Pitch of the Value of Forty shillings amounting in all to the Summ of Twelve pounds in Consideration whereof the said Josph. did afterwards (Videlicet) the day and year aforesaid upon himself did Assume and then and there unto the said Thos. did faithfully promise that he the said Joseph the aforesaid Boat and two Barrells of Pitch or the full Summ of Twelve Pounds when he should be thereunto required unto the said Thos. he would well and truly restore Pay and deliver Yet notwithstanding the said Josph. his promise not regarding the said Boat and two Barrills of Pitch [*torn*] Summ of Twelve pounds he hath not rendered [*torn*] manner of ways hath he given Content [*torn*] ways did and still doth deny and refuse [*torn*] requested to the Damage of [*torn*] and therefore this his Suit is Produced [*torn*].

<*Inventus.*> And Josph. Pegg Deputy Marshall to Jno. [*torn*] of the County of Albemarle having [*torn*] <119> And the Defendant being Solemnly Calc'd Came not.

<*Attachment.*> Therefore it is Granted that the Marshall do Attach the Goods and Chattalls of the said Defendant so as to Compell him to Appear at the next Court and Answer the Plaint aforesaid.

<*Gray* v. *Brothers. Ejectment.*> John Grey Complains of Wm. Brothers in the Custody of the Marshall for that whereas Wm. Tirell the two and twentyeth day of Febry. Anno Domini 1715/6 at Pasquotank in the County of Albemarle did Demise Grant and to farm lett to the aforesaid John One Plantation Conteyning two hundred Seventy Seven Acres of Land together with the Houses thereupon erected and built, and the Appurtenances thereunto belonging Scittuate lying and being in Pequimons Precinct in the County aforesaid To have and to hold the said Plantation and Houses with the Appurtenances to the aforesaid John and his Assignes from the Second day of Janry. then last past untill the full End and Term of three Years from thence next Ensuing and fully to be Compleat and Ended, By Vertue of which said Demise the said Jno. into the said Possession and Houses with the Appurtenances did enter and was in the possession thereof untill the said Wm. Brothers afterwards (Videlicet) the 6th day of March Anno Domini 1715/6 aforesaid by force and Arms etc. into the said Plantation and Houses with the Appurtenances and into and upon the Possession of the said Jno. thereof, did Enter And the said Jno. from his said Farm whose said term being as yet not Expired did cast out Expell and amove and he the said Jno. being so Cast out Expelled and amoved from his possession has been there from kept and yet is kept, and other Enormitys

to him was then and there offered against the Peace of our Sovereign Lord the King that now is, And to the Damage of him the said Jno. Twenty Pounds and thereupon this his Suite is Produced etc. Danll. Richardson per the Plaintiff

Mr. Jno. Clark.

You may Perceive by this Declaration that I am Sued for the premises or for Some part thereof to which I have no title, If therefore you Claim thereto and Intend to defend it you may Appear the next Generall Court to be held at Captain Richard Sanderson's house in Little River the last Tuesday in this Instant March and make your defence otherwise I shall Suffer Judgement to pass against me by [default or you will] be turned out of possession.

Yours William Brothers

[*Torn*] Jno. Hacklefield Esqr. Provost Marshall of the [*torn*] Aged Forty two Years and maketh oath that [*torn*] of this Instant March he delivered a Coppy [*torn*] unto Jno. Clark Senior in Possession. [*Torn*] Jno. Clark Came into Court and pray'd to [*torn*] <120> admitted Defendant and that his name might be Incerted instead of the Casuall Ejacter which was allow'd by the Consent of the Attorneys for the Plaintiff and Defendant And the said Jno. Clark Confessed Lease Entry and Ouster.

Whereupon the said Jno. Clark by Thos. Bray his Attorney prayeth Licence to Imparll untill the next Generall Court, And he hath it, the Same day is Given unto the aforesaid Wm. Tirell Leaser of the Premises who by Consent of the Attorneys aforesaid is Admitted Plaintiff to the said Action. <*Tyrell Admitt'd Plaintiff.*>

<*Took* v. *Davis.*> James Took Complains of Thos. Davis of the Precinct of Pasquotank in the County of Albemarle, otherwise Call'd Thom. Davis of Albemarle County in the Custody of the Marshall etc. of a Plea that he render to him Fifteen pounds nine shillings and Seven pence which to him he oweth and unjustly detains, For that whereas he the said Thomas the 17th day of June 1713 at Pasquotank aforesaid by his Certain writing obligatory under his hand and now herein this Court ready to be shown whose date is the Same day and Yeare acknowledges himself to be holden to the said James the aforesaid Fifteen Pounds nine shillings and Seven pence to be paid to the said James Notwithstanding which the said Thomas has not as yet paid the said Fifteen pounds nine shillings and Seven pence but refuseth so to do tho' often thereunto requested to the damage of the said James Thirty Pounds And thereupon this his Suite is Produced etc.

Danll. Richardson for the Plaintiff

And the said Davis being Solemnly Call'd came not nor did the marshall make return of bond or Security taken for the said Davis's Appearance as by Law he ought to have done. Wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with stay of Execution till the next Court, or an Attachment against the Defendants Estate.

<*Order against Marshall.*> And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Ordered that the Provost Marshall of the County of Bath have the body of the said Defendant at the next Generall Court to answer the aforesaid Plaintiff Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall Pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which is Granted.

Mr. Edmond Gale Produced an Account [*torn*] shillings and 9*d.* formerly Prov'd before Christopher Gale Esqr. [*torn*] that it might be Recorded. Ordered that it be [*torn*] Then the Court Adjourn'd till the next [*torn*] the Court House in Queen Ann's Creek [*torn*].

[*July 1716*]

<*CCR 105*>

<122> At a Generall Court, or Court of Pleas, and Court of Oyer and Terminer and Generall Goal Delivery held at the Court house at Queen Ann's Creek the 31st. July 1716 and Continued by Adjournments till Fryday the 3d. August. Present Christopher Gale Esqr. Chief Justice. Griff. Jones, Jno. Palin, Jno. Worley, Thos. Harvey Esqrs. Assistants.

The Court adjourned till 2 a Clock in the afternoon of the Same day to the house of Wm. Branch, at which time the Court met.

The last Will and Testament of Jno. Tarkinton Deceased is prov'd by the oath of Jams. Wattkins, And the Executrix Martha Tarkinton is Sworn to the due Execution thereof.

Thos. Harvy Esqr. took and Subscribed the Severall Oaths appointed by Law; also the oath of a Justice of the Peace and Assistant of the said Ch. Justice and took his place accordingly.

Mr. Jno. White by Vertue of a Licence from the Honorable the Governor is admitted as an Attorney of this Court and took and Subscribed the Severall oaths by Law required.

Collonell Thos. Boyd by Vertue of a Licence from the Honorable the Governor is admitted as an Attorney of this Court and took and Subscribed the Severall oaths by Law required.

A Power of Attorney from Wm. Therel to Anto. Hatch is prov'd by the Oath of Danll. Richardson.

Upon the Petition of Henry Norman praying Liberty to Choose his Guardian which being admitted to do he Choose Jno. Davenport who is Order'd to give Security for the due performance of the trust reposed in him.

Order'd that Jno. Pettiver late Guardian to Henry Norman deliver up all the estate belonging to the said Orphan into the Custody [*torn*] [Jno.] Davenport.

[*Torn*] Will and Testament [*torn*] Joseph Fonkee is prov'd by the oath [*torn*].

[*Torn*] the aforesaid Porters etc. And the aforesaid [*torn*] upon to the Consent of both [*torn*] and next Court [*torn*] holden at Queen Ann [*torn*].

<123> <*Boyd* v. *Fisher. Attachment Cont.*> And now here at this day came the aforesaid Boyd and the aforesaid Fisher being Solemnly called came not; Whereupon the aforesaid Boyd prayd a Continuance of the Attachment aforesaid which was granted returnable the last Tuesday in October next.

<*Low Administrator* v. *Solley. Cont.*> And now here at this day came the aforesaid Low by Edwd. Moseley his Attorney, And the aforesaid Solley in his

proper Person And the said partys informing the Court that Jno. Blysh one of the Auditors before Assigned is departed this Province, it's hereupon by the Consent of both Partys the said Cause is put in Respite untill the next Court And that Mr. Jno. Relf is Assigned Auditor by the Court here in the Place of Mr. John Blysh who together with Mr. Josph. Glaister is to hear the Account and to make report thereof to the next Court.

<*Wentworth and Calf* v. *Gedbee. Cont.*> And now here at this day came the aforesaid Plaintiff by Edwd. Moseley his Attorney, and the Said Defendant being Solemnly call'd came not whereupon the Plaintiff proceeded by his Corporall oath to prove the Debt due from the said Defendant according to an Act of Assembly in that Case made and Provided. And for Default of the said Defendants appearance. Therefore it is granted that the Marshall do Attach the goods and Chattells of the said Defendant so as to Compell him to Appear at the next Court to Answer the Plaintiff aforesaid.

<*Cartwright* v. *Low. Cont.*> And now here at this day came the aforesaid Cartwright and the aforesaid Low by their Attorneys, and hereupon by the Consent of both partys the cause is put in respite untill the next Court the last Tuesday in October next.

<*Bundy* v. *Willson Discontinued.*> And now here at this day the aforesaid Plaintiff being Solemnly required came not neither prosecuted his Writt aforesaid Therefore it is considered and Ordered that the said Plaintiff may be from hence in mercy and the said Defendant may go without day, And that the said Plaintiff pay Costs alias Execution.

<*Bateman* v. *Jennet. Retraxit.*> And now here at this day Came the aforesaid Plaintiff in his [*torn*] person and Confesseth [*torn*] Satisfyed [*torn*] aforesaid. Therefore the [*torn*].

<*Newman* v. *Hendry. Attachment Cont.*> And now here at thi[*torn*] by their [*torn*] Cause is putt [*torn*] October [*torn*].

<124> <*Boyd* v. *Jenkins. Attachment Cont.*> And now here at this day Came the aforesaid Thomas, and the aforesaid Joseph being Solemnly called came not. Whereupon the aforesaid Thomas proceeded by his Corporall oath to prove his Account And pray'd Continuance of the Attachment aforesaid which was granted returnable the last Tuesday in Octobr. next.

<*Tyrrell* v. *Clark. Plea.*> And now here at this day Came the aforesaid Plaintiff by his Attorney and the said Defendant by Thos. Bray his Attorney comes and Defends the force and Injury when etc. and as to the trespass and Ejectment aforesaid Saith that he in no wise thereof is Guilty as the aforesaid Plaintiff against him Declareth, And of this he puts himself upon the Country and the Plaintiff in like manner. Therefore it was Commanded to Jo[*torn*] Nairn one of the under sherriefs to John Hacklefield Esqr. Provost Marshall that he should Cause to Come etc. Twelve etc. by whom etc. and who neither etc. to recognize etc. And there Came Henry Bonner, Lemll. Tayler, Thos. Spight, Jno. Harlow, Xphr. Dudley, Edwd. Jackson, Frans. Pridgeon, Jams. Collings, Chas. Hopton, Wm. Thompson, Jno. Goodin, Orlando Champion who between the partys aforesaid being Impannelled and to Say the truth of the premises elected tryed and Sworn did say upon their Oaths, We of the Jury find for the Plaintiff. <*Verdict.*>

<*Judgement.*> By which then it was Considered that the said Plaintiff shall recover against him the said Defendant his Term aforesaid with the Appurtenances yet to Come with Costs, and the said Defendant in mercy alias Execution.

<*Took* v. *Drew. Cont.*> And now here at this day came the aforesaid James and the aforesaid Thomas by their Attorneys and hereupon by the Consent of both partys the said cause is put in respite untill the next Court the last Tuesday in October next.

<*Wilkisson* v. *Hassell. Plea.*> And now here at this day the said John by Edwd. Moseley his Attorney comes and Defends the force and Injury when etc. And Saith that he is not guilty and of this he puts himself upon the Country and the said William likewise, Therefore it was Commanded to Jno. Nairn one of the under Sherriefs to Jno. Hacklefield Esqr. Provost Marshall that he should Cause etc. Twelve etc. by whom etc. and who neither etc. to recognize etc. And [there] Came Henry Bonner, Lemll. Tayler, Thos. Spight, Jno. Harlow, [*torn*] Dudley, Edwd. Jackson, Fras. Pridgeon, Jams. Collings, Charles [*torn*], Wm. Thompson, [*torn*] Thos. Blitchenden who between [*torn*] being [*torn*] to Say the truth of the premises [*torn*] upon their Oaths. We of the [*torn*] aforesaid Defendant take nothing by [*torn*] false Clamour etc. [*torn*] Plaintiff pay Costs and [*torn*] for his Attendance [*torn*] pay to the [*torn*].

<125> <*Low* v. *Cartwright. Cont.*> And now here at this day Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneyes and hereupon by the Consent of both partys the Cause is put in respite untill the next Court the last Tuesday in October next.

<*Newman* v. *Mixon. Cont.*> And now here at this day Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneys, And hereupon by the Consent of both partys the Cause is put in respite untill the next Court the last Tuesday in October next.

<*Newman* v. *Mixon. Cont.*> And now here at this day Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneys, And hereupon by the Consent of both partys the Cause is put in respite untill the next Court the last Tuesday in October next.

<*Bray* v. *Jackson.*> Thomas Bray of the Precinct of Chowan Gentleman is Plaintiff and Edward Jackson of the Precinct of Pequimans is Defendant in a Plea of the Case etc.

And the said Plaintiff in his Proper Person Complains that the aforesaid Defendant the 26 day of Augst. 1715 at Chowan Precinct in Consideration of the Summ of Six pounds by the said Plaintiff to the said Defendant then and there in hand paid, did assume upon himself and to the said Plaintiff then and there faithfully promised that he the said Defendant One house of the Dimention of twenty foot long and Fifteen foot wide with a Shade or lean too of eight foot wide he would Erect build and workman like would finish on the Plantation of the said Plaintiff at the mouth of Indian Town Creek in Chowan aforesaid, Yet the said Defendant his promise and Assumption aforesaid made in manner and form aforesaid nothing minding or regarding but intending and Subtilly Contriving the said Plaintiff in that behalf to deceive and Defraud; the aforesaid House hath not built

Erected and workman like finished but altogether refuseth the Same to do, to the Damage of the Plaintiff twenty Pounds And thereupon he brings this Suit.

Thos. Bray per Plaintiff

<*Plea.*> And the aforesaid Defendant Comes and defends the force and Injury when etc. and Saith nothing in barr or avoidance of the aforesaid Action of the said Plaintiff but because it doth not appear to the Court here what Damage [*torn*] hath Sustain'd It is therefore Commanded to Jno. Nairne Deputy Marshall [*torn*] Hacklefield Esqr. Provost Marshall do Summons twelve men [*torn*] to Enquire what Damages the said Plaintiff hath Sustained in [*torn*] that Due and true returne hereof [*torn*] the ne [*torn*] in October next.

<*Kent* v. *Smith. Imparlance.*> John Kent of Pasquotank [*torn*]tank aforesaid Marriner of a [*torn*].

And Whereupon [*torn*] Complains, That [*torn*] of this Gover [*torn*] any evil [*torn*] free and [*torn*] <126> behaved himself, lived and Continued, and of good Name fame Condition Creditt, Conservation, Repute and behaviour as well towards all his Neighbours with whom he hath So lived and Continued, and other faithfull and honest persons of this Government by all the time aforesaid hath been Esteemed accounted and Reputed; the fear of God always having before his Eyes, and from any kind of Fellony Robbery Dishonesty, Theft or any Such like wicked and base Crimes and from the procuring of Such like wickedness or of the Same in any manner whatsoever, noted or Suspected by the whole Course of this Life hitherto free Clear and throughly and wholy unsuspected hath remained Continued and lived, by reason whereof the said John Kent hath not only deservedly had and obtained the love favour and good will of all his Neighbours and other good honest and faithfull Persons of this Government, But also hath kept and Conserved himself, fame, Name, Estimation, Opinion and Reputation, and all his Chattells Lands and Estate Save, Secure and untainted and in no wise Subjected to the Rigour of the Law for Such like mischeifs made and Provided. Yet the aforesaid William Smith not being ignorant of the Premises but Enjoying the happy Estate and Condition of the said John and Maliciously intending not only to Deprive him the said John of his good Name, fame, Creditt, Estimation and Repute aforesaid and to bring him the said John into the hate and Evil opinion of all his Neighbours and other worthy Persons of this Government But also innocently to Cause him to be brought into Danger of forfeiting all and Singular his Chattells Lands and Tenements and loosing of his Life the 27th. day of Febry. Anno 1715 at Pasquotank aforesaid and within the Jurisdiction of this Court, these false feigned Scandalous Malicious and opprobious words following in the presence and hearing of Divers of his Neighbours and other faithfull and worthy Persons of this Government then and there being present and hearing openly and Publickly and with aloud Voice did Speak Declare and Publish to the said John Kent You (meaning the said John Kent) are a thief and I will prove it You (the said Plaintiff meaning) Stole a hatt from Collonel Hastings. Whereas in truth the said John Kent no Robbery Theft or Fellony every Comitted or perpetrated. By reason of the Saying Speaking, Affirming Publishing and Declaring of which false, feigned, Scandalous, Infamous, Malicious and Opprobi-

ous words the said Jno. is not only Extreamly hurt and Damnify'd in his good Name, fame, Creditt and Estimation as aforesaid amongst his Neighbours and other faithfull honest and worthy Persons of this Government to whom the Innocency of the said John [*torn*] part was unknown, who before the Speaking and Publishing of the said [*torn*] used to keep Company and familiarity with the said John, and with [*torn*] John before that [*torn*] used to Negotiate, Deal, Contract buy [*torn*] But also [*torn*] forfeiting all his Chattells Land and [*torn*] into Danger of his Life as aforesaid and [*torn*] more refused and Yet doth refuse [*torn*] and familiarity of him the said [*torn*] is Damnify'd and hath Damage to [*torn*] he brings this Suit [*torn*] prayeth Lycence to Impar[*torn*] next to Answer to the [*torn*] is also given to [*torn*].

<127> <*Wallis* v. *Keel. Essoigne.*> Robert Keel of Pasquotank Precinct Planter was Attach'd to answer William Wallis the Son of William Wallis, which was the Grand Son of Robt. Wallis late of the Precinct aforesaid of a Plea that he should warrant unto him Four hundred Acres of Land with the Appurtenances in Pasquotank which of him he Claims to hold and whereof he hath his Deed etc.

And whereupon the said Plaintiff by Jonathan Jeacucks his Guardian Saith, That the aforesaid Defendant was Seiz'd of the aforesaid Four hundred Acres of Land in his Demesn as of Fee, and so thereof being Seiz'd the 22d. day of Janry. 1706 by his Certain writing from under the hand and Seal of the said Robt. Keel which the said Plaintiff bringeth here into Court whose date is the Same day and Year did Give grant bargain Sell Aliene Enfeoff release and Confirm unto the said Robt. Wallis his Heirs and Assignes for ever the aforesaid Four hundred Acres of Land in Pasquotank aforesaid with all and Singular the appurtenances, To have and to hold unto the said Robt. Wallis his Heirs and Assignes for ever with warranty against the just Claim or Claims of any Person or Persons whatsoever as by the said Deed more fully Appears. By virtue of which Deed the aforesaid Robt. Wallis was of the said Four hundred Acres Seized in his Demesn as of Fee, and the said Robt. Wallis being thereof so Seized and Departing this Life the 25th. day of March Anno Domini 1712 the Same by right of Inheritance came and Descended unto him the said Plaintiff as Grandson and heir at Law to the said Robt. Wallis and was thereof Seized in his Demesn as of Fee, and being so Seized One John Thomas before Christor. Gale Esqr. and his Assistants Justices of the Generall Court here, That is to Say at Little River Impleaded him the said Plaintiff of and for the aforesaid Four hundred Acres of Land with the appurtenances by the writt of the Lord the King of Entry upon Disseissin in the Quibus, by which the said Plaintiff hanging that Writt requested the aforesaid Defendant to Warrant to the aforesaid Plaintiff the aforesaid 400 Acres with the Appurtenances aforesaid Notwithstanding the aforesaid Defendant the aforesaid Four hundred Acres of Land to the said Plaintiff and his Heirs as yet to warrant doth Deny and Still Denyeth, Whereupon he Saith he is Damnify'd and hath Loss to the Value of Five Hundred Pounds, And thereupon produceth Suit etc.

Att which day here Came as well the aforesaid Plaintiff as the aforesaid Defendant [*torn*] their Attorneys, And the aforesaid Defendant cast his Essoigne of [*torn*] against the said Plaintiff of the aforesaid Plea and had thereof [*torn*] here till the last Tuesday [*torn*] October next [*torn*].

<*Bray* v. *Dudley.*> Thomas Bray [*torn*] pass'd in the Precinct [*torn*] him the said Thomas [*torn*] Thomas Plaintiff and Chr[*torn*] the Case etc. in [*torn*] North Carolina [*torn*] Precinct [*torn*] <128> as likewise did the Plaintiff then was had Oyer of the Writt and Declaration.

To the Provost Marshall of the County of Albemarle or his Deputy greeting Wee Command you that you take Christopher Dudley if to be found in your Bailiwick and him Safely keep so that you have his body before our Justices at a Court to be held for the said Precinct the 3d. Tuesday in this Instant Aprill at the House of Robt. Hicks to Answer unto Thomas Bray in an Action of the Case ad Damnum £50 And have you then and there this Writt Dated at the Clerks Office this 6th. Aprll. 1716.

R. Hicks Clerk Curiae Precinct

North Carolina
Generall Court Ss.

Thomas Bray of the Precinct of Chowan Gentleman is Plaintiff and Christopher Dudley of the Same Precinct Planter is Defendant in a Plea of the Case etc.

And whereupon the said Thomas in his proper Person Complains that whereas he the said Thomas on or about the 25th. day of Augst. which was in the Year of our Lord 1715 at his the said Bray's then Dwelling house in the Precinct aforesaid was possess'd of One Slave, to Witt a Negro wench to the Value of Thirty pounds Sterling money of Great Brittain, as of his own proper Negro or Slave; And being so thereof Possess'd the said Negro or Slave afterwards, to witt, on or about the 26th. day of the said August at or neer to the then Dwelling house of him the said Christopher by finding or other more fraudulent means Came, Yet notwithstanding the sayd Xpher. knowing the said Negro or Slave as aforesaid to be the proper Negro of or Slave of him the said Thomas and to him the said Thomas of right to belong and appertain, Craftily and fraudulently nevertheless Intending the said Thomas in that behalf Subtilly to Deceive and Defraud the said Negro Wench or Slave tho' often thereunto required hath not Delivered, but the Same afterwards, to witt, on or about the 27th. of the said Augst. at his the said Christopher's then Dwelling House in the Precinct aforesaid to his the said Christopher's own proper use and profitt Converted and disposed to the Damage of him the said Thomas Fifty Pounds Current money of this Province And thereupon he brings this Suit etc.

Thomas Bray

<*Plea.*> The Defendant Pleads not Guilty and of that he putts himself upon the Country and the Plaintiff in likemanner. The Jury being Summon'd Impannell'd and Sworn Say. Wee of the Jury finds for the Defendant with Costs. <*Verdict.*>

From which Verdict the Plaintiff Appeal'd to the next Generall Court [*torn*] was granted him Security being given as the Law Provides. [*Torn*] said Thomas [*torn*] to Reverse the Judgement pass'd [*torn*].

[*Torn*] the said Judgement pass'd in the Precinct [*torn*] that the said Thomas pay Costs alias Execution.

[*Torn*] unto the Honorable Collonell Thos. [*torn*] Complains that he [*torn*] had Accounted with [*torn*] And there remained <129> due unto the said Thomas, the Summ of Fourteen pound nine shillings and Six pence which said

Summ of Fourteen pound nine shillings and Six pence the said Obediah then and there faithfully did promise and unto the said Thomas he would well and truly Content and Pay, Notwithstanding the said Obediah his promise not regarding the said Summ of £14 9*s.* 6*d.* unto the said Thomas hath not paid but the Same to render hath refused and doth Yet refuse (tho' often thereunto required) to the Plaintiff Damage Twenty Pounds and therefore he brings this Suit etc.

And the aforesaid Thomas being Solemny required came not neither prosecuted his Writt aforesaid.

Therefore It is Considered and Order'd that the said Thomas may be from hence in mercy, and the said Obediah may go without day, and that the said Thomas pay Costs alias Execution.

<*Pollock* v. *Phelps.*> Bartholomew Phelps was Attach'd to Answer unto the Honorable Collonell Ths. Pollock of a Plea of Debt.

And thereupon the Plaintiff by Edwd. Moseley his attorney Complains that whereas the Said Bartholomew by his Certain bill or writing obligatory under his proper hand bearing date the 4th. day of Augst. 1707 did oblige himself his Heirs Executors and Administrators to pay or Cause to be paid unto the said Thomas his Executors Administrators or Assignes the full Summ of Four pounds Sixteen shillings Sterling or the Value thereof in good hard Merchantable Stone Pitch in barrells of the new Guage or in good Sound Merchantable Pork at or upon the 20th. day of Decr. next Ensuing the date thereof at the now Dwelling Plantation of the said Thomas as by the said writing hereinto Court brought doth Appear Notwithstanding the said Bartholomew his Obligation aforesaid not regarding the said Summ of Four Pounds Sixteen shillings unto the said Thomas hath not paid but the Same to pay hath refused and doth yet refuse (tho' often thereunto required) to the Plaintiffs Damage Eight Pounds and therefore he brings this Suit etc.

<*Order* v. *Marshall.*> And the said Bartholomew being Solemnly came not nor did the Marshall make returne of bond or Security taken for the said Bartholomew's Appearance as by Law he ought to have done. Wherefore the said Thomas was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court [*torn*] Attachment against the Defendants Estate.

And the said Thomas [*torn*] Choice of an Order [*torn*]. It is therefore Ordered [*torn*] provost Marshall [*torn*] Albemarle have the [*torn*] to answer to the aforesaid [*torn*] confirmed against the [*torn*].

Where[*torn*] the Estate [*torn*] Cost afor[*torn*].

<130> <*Knight* v. *Smithwick.*> Edward Smithwick of Chowan in the County of Albemarle Esqr. was Sumon'd to Answer Tobias Knight Esqr. of a Plea that he render unto him Nine pounds Five shillings which he owes to him and unjustly Detains etc.

Whereupon the said Tobias by Danll. Richardson his Attorney Saith that when the said Edward the 10th. day of Febry. 1714/5 at Chowan aforesaid had Computed with the said Tobias of Divers Summs of money to the said Tobias by the said Edward before that time owing and payable and upon that Computation the said Edward was found in Arrears to the said Tobias in nine pounds and five shillings and being so found in Arrears the said Edwd. in Consideration thereof

afterward the Same day and Year at Chowan aforesaid upon himself Assum'd and to the said Tobias then and there faithfully promised that he the said Edward the said Nine pounds and five shillings to the said Tobias then and there faithfully promised that he the said Edward the said Nine pounds and five shillings to the said Tobias when he was thereunto requested would well and truly pay and Content Yet the said Edward having little regard to his said promise and Assumption but Craftily and deceitfully Intending him the said Tobias in this part Subtilly to Deceive and Defraud of the said Nine pounds and five shillings the Same hitherto refused and Yett doth refuse (tho' often thereunto requested) to pay and Content from whence he the said Tobias saith he is Detrimented and has Damage to the Value of Twenty Pounds and thereupon this his Suite is Commenced etc.

<*Retraxit.*> And the aforesaid Tobias by Danl. Richardson his Attorney Confesseth himself to be Satisfy'd of the Damages aforesaid Therefore the aforesaid Edward of the said Damages is acquitted.

<*Cary* v. *Alderson.*> Collonell Thomas Cary Comes to prosecute his Writt of Error to Reverse a Judgement pass'd in the Court of the Precincts of Beauford and Hyde the Court holden October 1715 against him the said Thomas at the Suit of Simon Alderson in a Plea of the Case etc.

And the said Thomas by Edward Moseley his Attorney produceth here into Court the record of the proceedings of the Court of Beauford and Hyde Precincts upon a Plea of the Case Commenced by the said Simon against the said Thomas in these words:

At a Court held at Bath Town Janry. the 4th. 1714. Present his Majestys Justices. [*Torn*] Action upon the Case between Simo. Alderson Plaintiff and Collonell Thos. Cary Defendant [*torn*] Defendant being call'd came not. It is Order'd That a Writt of Inquiry be [*torn*] to Enquire into the [*torn*] etc. Continued till Octobr. Court. [*Torn*] 4th. 1714 [*torn*] upon the Case between Simo. Alderson [*torn*] call'd came not whereupon a Writt of [*torn*] last Court and was return'd and a Jury Sumon'd [*torn*] Oyer of the Writt and Declaration. Mr. Jno. Jordan [*torn*] Shackleton Mr. Jno. Mellens Mr. Wm. Jones [*torn*] Shippy Allen Mr. Wm. Lues [*torn*] his Deputy. These are in [*torn*] Collonell Thos. Cary and him safely [*torn*] at Bath Town on the first [*torn*] Alderson in a Plea upon [the] [*torn*] this Writt Dated at the [*torn*] Clerk Curia.

<131> Executed by leaving a Coppy of the writt and Declaration at the House of Collonell Thos. Cary.

Jno. Clark Provost Marshall

Simon Alderson is Plaintiff and Complains against Collonell Thos. Cary of the County aforesaid in the Province aforesaid Defendant in a Plea of the Case upon Assumpsit: For that whereas the said Defendant on or about the first day of Decr. 1709 in Bath County aforesaid was Indebted unto the said Plaintiff Fourty four pounds Current money of this Province and being so Indebted he the said Defendant in Consideration thereof afterwards Videlicet the Same day and Year and County aforesaid Assumed upon himself and to the said Plaintiff then and there faithfully promised that he the said Defendant the aforesaid £44 to the said Plaintiff when he should be thereto requested would well and faithfully pay

and Content, Yet the aforesaid Defendant little regarding his promise and assumption but deceiptfully and fraudulently Intending the said Plaintiff in this part Craftily and Subtilly to Deceive and Defraud the aforesaid £44 hath not yet paid the Same to the said Plaintiff but hitherto hath refused and yet doth refuse to pay the Same to the said Plaintiff, or otherwise to Satisfy and Content him, whereupon the said Plaintiff Saith he is detrimented and Damage hath to the Value of Fifty pounds and thereof this his Suit is produced.

Testis Jno. Drinkwater Clerk Curiae

Then the Evidences being heard, and the Jury receiving their Charge go, and come and for Verdict Say; Wee of the Jury find for Simo. Alderson Plaintiff against Collonell Thos. Cary Defendant Fourty Four Pounds Debt and Six pound damages with Costs of Suit. Ordered That Collonell Thos. Cary pay unto Simo. Alderson the abovesaid Judgement with Costs alias Execution.

Jno. Drinkwater Clerk Curiae

And Saith That in the Record and process aforesaid And also in the giving Judgement aforesaid It is manifestly Erred.

First in this. That is to Say. Because it doth appear in the Record aforesaid That there is manifest Varience between the Writt and Declaration the writt laying the Damage to Forty four pounds and the Declaration to Fifty Pounds.

2d. In this also It is Erred. Because the Declaration doth not Sett forth how and after what manner, and for what Cause the said Thomas became Indebted to the said Simon; Nor that the cause of Action did arise within the Jurisdiction of the Court.

3d. In this also It is Erred. Because the returne of the Execution of the said Writt being Certify'd Executed by leaving a Coppy of the Writt and Declaration at the House of the said Thomas; The said Thomas Conceives an Attachment ought to have been granted to have Compelled him to Appear and Answer, for otherwise Persons being absent out of the Country (as is the Case of the said Thomas) manifest Injury shall be done by obtaining Judgement without the knowledge of the Persons against whom Such Judgement shall be Obtain'd or their Attorneys; Or Persons having the Custody of their Estates.

4th. In this also It is Erred. Because the Writt being [*torn*] Court 1714. It doth [*torn*] by the Record, [*torn*] was Continued till the Oct[*torn*].

5th. In this also It is Erred. [*Torn*] Issue out for Inquiring in [*torn*].

6th. In this also It is Erred. [*Torn*] is for forty four Pounds [*torn*] is laid in the [*torn*].

7th. In this also [*torn*] Fifty Pounds [*torn*].

And fo[*torn*] <132> Said Thomas, and all thereupon Depending upon the suit aforesaid in form aforesaid Spoken done and Exhibited is not Sufficient in Law And he prayeth that the said Judgement aforesaid for the Errors aforesaid in the Record and process aforesaid being Annulled and Utterly holden for none And that he unto all which by the occasion of the Judgement aforesaid given he lost and paid, he be restored.

And further the said Thomas the Writt of the King to Warn the said Simon that he should be before the Chief Justice and his Assistants at the next Generall Court at Queen Ann's Creek, to hear the Record and Process aforesaid And also

the Errors aforesaid. And further to do and receive what should be just in the premises etc.

And the said Simon being Solemnly Call'd came not.

<*Judgement.* > Wherefore It is Ordered that the said Judgement pass'd in the Precinct Court of Beaufort and Hyde, be Reversed and Annulled. And the said Thomas be restored to all that by means of the said Judgement he lost, And that the said Simon Pay Costs alias Execution.

<*Newman* v. *Bundy.* > John Newman Merchant Comes to prosecute his Writt of Error to Reverse a Judgement pass'd in the Precinct Court of Pasquotank the 21st. of July 1713 against him the said John at the Suit of Samll. Bundy in a Plea of the Case etc.

And the said John by Edward Moseley his Attorney Produceth here into Court the Record of the Proceedings of the Court of Pasquotank upon a Plea of the Case Commenced by the said Samuell against the said John in these words.

To the Provost Marshall or Deputy to Execute etc.

These are in his Majestys Name to Will and require you to Arrest the body of John Newman and him Safely hold so that he be and appear at the Precinct Court to be held at the house of Josph. Peggs on the 3d. Tuesday in Aprll. next to answer to the Suit of Samll. Bundy in a Plea of the Case herein fail not etc. Given at the Clerks Office the 12th. day of March Anno Domini 1712/13.

Wm. Norris Clericus Curiae

Saml. Bundy is Plaintiff against Jno. Newman Merchant Defendant in a Plea of the Case and Saith that the Defendant Stands justly Indebted to the Plaintiff in the full and just Summ of Tenn Pounds as by agreement with the Plaintiff wife for him the Plaintiff to gett for the Defendant 10000 Reeds which said Agreement bearing date on or about the 20th. of 7ber 1710 by Evidences to Court Summon'd the truth to Declare relation being thereunto had may more at large Appear, Nevertheless the Defendant the aforesaid Summ [*torn*] for the Plaintiffs labour to the Plaintiff has not rendred tho' thereunto requested [*torn*] Same doth refuse to render to the Plaintiff Damage £20 and thereupon he [*torn*] Action and Craves [*torn*] etc.

Samuell Bundy Plaintiff

[*Torn*] Precinct aforesaid the 21st. of July 1713. [*Torn*] Justices etc. [*Torn*] against Jno. Newman Defendant who [*torn*] Court the Plaintiff prays. [*Torn*] Sum of £10 as per Declaration. [*Torn*] against the <133> said John Newman Defendant for the said Summ of £10 with Costs alias Execution.

Copia Testis Wm. Norris Clericus Curiae

And Saith That in the Record and Process aforesaid also in giving Judgement aforesaid It is manifestly Erred.

First in this, That is to Say. That whereas the said Samll. in his Declaration Saith that the said John Stands Justly Indebted to the said Samll. in the Summ of Tenn Pounds as by Agreement with the said Samlls. Wife to gett of the said John Ten thousand Reeds which agreement bears date on or about the 20th. of 7ber 1710 But the said Samll. doth not mention that he brings into Court or Exhibits the said written agreement, nor doth it Appear in the Record and Process that there ever was any.

2d. In this also It is Erred That it doth not Appear by the Declaration of the said Samuell That the said Samll. did get for the said John The Tenn thousand Reeds mention'd therein And by reason of the said Samuel's not Alleadging that the said Reeds were gott according to Agreement said to be made It Appears to be Nudum Pactum.

3d. In this also It is Erred, That the Action being brought to an Inferiour Court It ought to have been Incerted in the Declaration That the Action did arise within the Jurisdiction of the Court.

4th. In this also It is Erred, That it being an Action of the Case Judgement ought not to be Peremptory without a Writt of Inquiry etc. And without the said Samuel's having made his Demands to Appear; which by the Record does not appear to have been done.

And for these Causes the Judgement aforesaid for the said Samll. against the said John and all thereupon Depending upon the Suit aforesaid in form aforesaid Spoken done and Exhibited is not Sufficient in Law; And he prayeth that the said Judgement aforesaid for the Errors aforesaid in the Record and process aforesaid being, be Annulled and Utterly holden for none And that he unto all which by the occasion of the Judgement aforesaid Given he lost and paid, he be Restored. And further the said John the Writt of the King to warn the said Samuell that he should be before the Chief Justice and his Assistants at the next Generall Court at Queen Ann's Creek to hear the Record and Process aforesaid and also the Errors aforesaid And further to do and Receive what should be just in the Premises.

And the said Samuel Appearing Saith [*torn*] in Affirmance of the Judgement pass'd in the Precinct Court [*torn*].

Wherefore It is Ordered [*torn*] pass'd in the Precinct Court of Pasquotank Be Re[*torn*] And the said John be Restored to all that by [*torn*] he lost, And that the said Samuel pay Costs [*torn*].

<*Williamson* v. *Parker.*> Sarah Williamson Comes [*torn*] Error to Reverse an Order pass'd [*torn*] Precinct [*torn*] at a Court holden for the said [*torn*] said Tuesday [*torn*] against her the said Sarah [*torn*] by Thos. Swan her Attorney [*torn*] the [*torn*] of the said Court.

<134> Currytuck Ss. Att a Court holden at the House of Wm. Parker the Second Tuesday in Augst. last past on the behalf of Orphans etc. Present the Justices. Wm. Reed, Wm. Swann, Thos. Vandermulin, Thos. Taylor, William Nichollson, Wm. Bell.

Whereas Sarah Williamson having a Mulatto Child being a bastard and the said Sarah being thereof Convict before this Court It is Ordered that Mr. Thos. Taylor One of the Church Wardens for the Parish of Currytuck Pursuant to an Act of Assembly in that case made and Provided against Women having Mulatto Children and the said Thos. Taylor made Sale of the said Woman and Child in open Court to Wm. Parker and Joanah his wife. It is therefore Ordered that the said Sarah Williamson Serve the said Wm. Parker and Joanah his Wife their Heirs Executors and Assignes the full Space and Term of Five Years; and her Child to Serve the said Wm. Parker and Joanah his Wife their Heirs Executors or Assignes the full Term and Space of thirty One Years etc.

Testis Josph. Wicker Clericus Curiae

And Saith That in the Record and Process aforesaid It is manifestly Erred. That is to Say.

First in this It is Erred. Because in the Record and Proceedings aforesaid of the said Court It doth not Appear that the Court had Cognizance of the Same Cause.

2d. In this It is Erred. That by the Record and Process aforesaid It doth not appear that the said Sarah was Lawfully in Court.

3d. In this also It is Erred. Because there was no Law or Act of Assembly in force in this Government at the time of passing the said Order Warranting the Sale of the said Sarah and her Child; as the said Order doth untruly Suggest.

4th. In this also It is Erred. That It doth not Appear in the Record and Process, how and after what manner the said Sale was made, Neither is the time Ascertained for the Servitude of the said Child, because It doth not Appear of what Age the Child was at the time of the said Sale. Wherefore for the Errors aforesaid in the Record and Process aforesaid mentioned and Contained; the said Sarah prayeth That the said Order may be Sett aside and held Invalid, And the said Sarah and her Child restored to the liberty they had before the passing the Order aforesaid.

And the [*torn*] Appearing; and the Record and Proceedings aforesaid being [*torn*] by the Court here diligently Examin'd and fully [*torn*] the Court here That there is manifest Error in [*torn*]. <*Judgement.*> It is Granted That the said Judgement pass'd in [*torn*] Currytuck be Reversed and Annulled [*torn*] Sarah Williamson and her Child [*torn*] that [*torn*] of the said Judgement [*torn*].

<135> <*Bundy* v. *Willson.*> William Willson of Pasquotank Precinct Marriner was Attached to Answer unto Caleb Bundy of the aforesaid Precinct of a plea of Debt And whereupon the Plaintiff by Edwd. Moseley his Attorney Complains That whereas the said Defendant by his Certain bond Obligatory under his proper hand and Seal bearing date the 29th. day of March 1716 Did oblige himself his Heirs Executors and Administrators to Pay or Cause to be paid unto the said Plaintiff his Heirs Executors Administrators or Assigns the full Summ of Two hundred Pounds Current money as by the said bond here into Court brought doth Appear, Notwithstanding the said Defendant his obligation aforesaid not regarding the said Summ of Two hundred Pounds unto the said Plaintiff hath not paid but the Same to render hath refused and doth yet refuse (tho' often thereunto required) to the Plaintiff Damage Four hundred Pounds and therefore he brings this Suit etc.

<*Discontinued.*> And the aforesaid Plaintiff being Solemnly Required came not Neither Prosecuted his Writt aforesaid Therefore It is Considered and Ordered that the said Plaintiff may be from hence in mercy And the said Defendant may go without day, and that the said Plaintiff pay Costs alias Execution.

<*Moseley v. Solley.*> Edward Moseley of Albemarle County Gentleman is Plaintiff and Thomas Solley of Bath County Planter is Defendant in a Plea of Debt etc. And the said Plaintiff in his proper Person Demands of the Defendant that he do render unto him the said Plaintiff the Summ of twenty one Pound fourteen shillings and Seven Pence in Publick Bills without Deducting Interest which to the Plaintiff he oweth and from him unjustly Detaineth. For that whereas the said Defendant on the 1st. day of Aprll. 1715 by his Certain writing Obligatory which the Plaintiff bringeth here into Court whose date is the Same day and Year

acknowledged himself to owe to the said Plaintiff the aforesaid Summ of £21. 14*s*. 7*d*. in Publick Bills without Deducting Interest to be paid to the said Plaintiff when he the said Defendant should be thereunto requested. Yet the said Defendant the said Summ of 21. 14. 7 to the Plaintiff hath not paid but the Same to pay hath and doth Still refuse tho' often thereunto requested. Whereupon the Plaintiff Saith he is damnify'd thirty Pounds. And thereupon he brings this Suite etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd came not nor did the Marshall make returne of bond or Security taken for the said Defendants Appearance as by Law he ought to have Done. Wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making choice of an Order against the Marshall It is therefore Ordered that the Provost Marshall of the County of Bath have the body of the said Defendant at the next Generall Court to Answer to the aforesaid Plaintiff otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which was Granted.

<134> [*sic*] <*Eden Esquire* v. *Lee.*> The Honorable Charles Eden Esqr. Complains of Thomas Lee of the Precinct of Chowan in the County of Albemarle in the Province aforesaid Sawyer in the Custody of the Marshall etc. of a Plea that he render unto him the Sum of Five pounds and ten shillings Current money of this Province the which he owes and unjustly Detains for that whereas the said Charles on or about the first day of July which was in the Year of our Lord 1715 did pay or Cause to be paid by the hands of Captain John Worley Esqr. unto the said Thomas the said Five pounds and Ten shillings in Lien and full Satisfaction of the Summ of Five pounds long before that time paid (as was pretended) by the wife of the said Thomas in Publick bills of this Province with the Interest then due thereupon unto One Symon Alderson for his taking up of a Horse as the proper horse of the said Thomas But afterwards Videlicet At the time of the payment of the said Five pounds and Ten shillings as aforesaid by the said Charles to the said Thomas It was believed and so reported to be a Horse properly belonging to the Publick Service of this Country, And as Such and upon that account only the said Charles did pay the five pounds and Tenn shillings to the said Thomas as aforesaid and upon no other account whatsoever. And the said Charles further Saith that Some time after he had paid the said Five pounds and Ten shillings as aforesaid It evidently appeard that the said Horse did neither belong nor of Right appertain either to the said Thomas or the Publick Service as aforesaid, but did of right belong to and was the proper horse of one Mr. James Lee of Pamplico, who as Such Demanded and took to himself the said Horse as of right he might do. And the said Charles farther Saith That from and after the said James Lee's Demanding and taking the said Horse as aforesaid the said Thomas had no manner of Right or just pretention to longer keep and Detain the said Five pounds and Ten shillings but the Same ought to have return'd or repaid unto the said

Charles as his the said Charles's proper moneys, The which to do he has hither to refused and Still doth refuse Notwithstanding he has been often thereunto required from whence the said Charles Saith he is Detrimented and hath Damage to the Value of Ten pounds And thereupon this his Suit is produced etc.

<*Retraxit.*> And the said Charles by Danll. Richardson his Attorney Confesseth himself to be Satisfy'd of the Damages aforesaid Therefore the aforesaid Thomas of the said Damages is Acquitted.

<*Keaten* v. *Williams.*> Whereas at a Generall Court holden for the said Province aforesaid Anno Domini 1691 Present the Justices John Keaten obtain'd a Judgement against Lewis Williams for the Summ of Four thousand Nine hundred and Ninety Eight Pounds of Tobacco. And Nine Pounds Sterling money of England as by the said Judgement remaining uppon Record may appear Nevertheless Execution of the said Judgement as yet remains to be done And the aforesaid John Keaten is Dead as by the Insinuation of Jno. Keaten his Son Executer of the said John doth Appear <135> [*sic*] And because we will that in the Same Court Right be done and Adjudged.

These are therefore in his Majestyes Name to Will and require you that you cause to be Made known unto the said Lewis Williams by good and Lawfull men of your Bailiwick that he be and Appear at the next Generall Court to be holden at Queen Ann's Creek the last Tuesday in July then and there to Shew Cause (if any he have) why Execution shall not out at the suit of the said Jno. Keaten for the Debt and Damages aforesaid, And have you there this Writt of Scire facias.

To the Provost Marshall of the County of Albemarle or to his Deputy.

Wittness Chr. Gale Esqr. Ch. Justice this 13th. day of June Anno Domini 1716.

And now here Came John Nairne under Sherrief to Jno. Hacklefield Esqr. Provost Marshall and did returne the Writt aforesaid Serv'd and Executed in form following. That is to Say That he said Sherrief by Virtue of that Writt to him Directed by Edwd. Howard and Thos. Kirby honest and Lawfull men of his Bailiwick had caus'd the said Lewis Williams to know that he should be here as in the Same Writt is Directed.

<*Cont.*> And the aforesaid John by Edwd. Moseley his Attorney And the aforesaid Lewis In his proper Person Came And hereupon by the Consent of both partys the said Cause is put in Respite untill the next Court the last Tuesday in October next.

<*Jordan* v. *Porter.*> John Jordan Comes to Prosecute an Appeal to reverse a Judgement given in Beaufort and Hyde Precincts Court Aprill the 3d. 1716 at the Suit of Jno. Porter.

And the said John Jordan by Jno. White his Attorney brings here into Court a Record of the Proceedings of the said Court in these words:

Att a Court held at Bath Town the 3d. day of Aprill 1716. Present his Majesties Justices of the Peace.

In an Action upon the Case between Jno. Porter Plaintiff and Jno. Jordan Defendant the Defendant being Call'd made his Appearance as likewise did the Plaintiff then was had Oyer of the Writt and Declaration etc.

To the Provost Marshall or to his Deputy.

These are in his Majesties Name to will and require you to putt by good and Lawfull Summons Jno. Jordan so that he may be and Appear at our next Court to be holden at Bath Town on the first Tuesday in April next then and there to Answer the Suit of Jno. Porter Gentleman in a Plea of Trespass upon the Case Damnum Eight Pounds And have you then and there this Writt Dated at the Clerks Office this 14th. day of March 1715/6.

Testis Jno. Drinkwater Clerk Curiae

Jno. Porter of the Precinct of Beaufort Gentleman Complains against Jno. Jordan of the Precinct of Hyde in Custody of the Marshall etc.

In that whereas the said Plaintiff on the 5th. day of November in the Year of our Lord 1715 at the Speciall Instance and request of the <136> aforesaid Defendant had then laid onto and Expended Certain Summs of money for the Defendant Amounting to Two pound Eight shilling and Ten pence Sterling And afterwards (to witt' the Same day and Year in the County aforesaid In Consideration thereof did Assume and unto the said Plaintiff did then and there faithfully promise that the aforesaid Summ of Two pounds Eight Shillings and Ten pence Sterling unto the said Plaintiff when he should be thereunto requested would well and faithfully Content and Pay Nevertheless the said Defendant his promise and Assumption aforesaid not regarding but Connively and fraudulently Intending the aforesaid Plaintiff in this part Cunningly and Craftilly to Deceive and Defraud the aforesaid Summ of £2 Ss. 10d. in manner aforesaid having not yet paid nor any part thereof but the Same to pay hath and doth Still refuse altho' often thereunto requested Whereupon the Plaintiff Saith he is the worse and Damage hath to the Value of Eight Pounds and therefore brings this Suit etc.

Testis Jno. Drinkwater Clerk Curiae

Then both partys throwing it on the Court who after Some time debating the matter It was Ordered.

That Jno. Jordan pay unto Jno Porter Two pounds Eight Shillings and Ten pence Sterling and fourty shillings Damma with Cests of Suit alias Execution

From which Judgement the Defendant Appeal'd to the third day of the next Generall Court which was Granted him he giving Security as the Law Directs

Testis Jno. Drinkwater Clerk Curiae

And Saith that in the Record and Proceedings it is manifestly Erred. That is to Say.

That the said Court gave Damages against the said Defendant it being an Action of the Case without Issuing any Writt of Enquiry of Damages which by Law ought not to have been Done.

Wherefore for the Errors aforesaid in the said Record and Process aforesaid mentioned and Contain'd the said Jordan prayeth may be Reversd.

And the said Jno. Porter by Edwd. Moseley his Attorney Comes and Demands hearing of the record and process as also of the Errors aforesaid and they are read unto him etc. which being read and heard the said Jno Porter Saith that in the Record and Process in Nothing it is Erred And praveth that the Ch. Justice proceed to the Examination as well of the Record and Process as of the Errors aforesaid alleadged. which being Seen by the Court here diligently Examined and fully understood as well the Record and proceeding aforesaid and the Judgement

upon the Same given as the Cause aforesaid for Error for the said Jno. Jordan Assign'd and Alleadged. It Seem'd to the Court here that the Record aforesaid was in nothing Vitious or defective and in the Record aforesaid is Eerror in nothing. Therefore It is Ordered that the Judgement aforesaid shall be Affirmed in all things and Stand in all his force and Effect, the said Causes here Assigned for Error in any thing notwithstanding.

<137> And further It is Granted that the said Jno. Porter should recover against the said Jno. Jordan the Summ of Five Pounds and Nineteen Shillings here adjudged according to the form of the Act of Assembly late made and Provided etc. Also his Costs and Charges which he had by reason of the Delay of the Execution of the Judgement aforesaid by Colour of Prosecuting the Appeal of Errors etc. which said Summ being paid in Court to the said Jno. Porter etc. Therefore the said Jno. Jordan of the Damages is Acquited.

<*Vail* v. *Long.*> Jeremiah Vail is Plaintiff and Elizabeth Long Executor of the last Will and Testament of James Long is Defendant in a Plea of Debt And the said Plaintiff by Edward Mosely his Attorney Demands of the Defendant that She do render unto the Plaintiff the Summ of three Pounds Eleven shillings and Seven pence which from the Plaintiff she unjustly detaineth. For that whereas the said James Long in his life time on the 24th. day of October 1711 by his Certain Bill which the said Plaintiff bringeth here into Court whose date is the day and Year aforesaid did oblige himself to Pay unto the said Plaintiff the aforesaid Summ of three pounds eleven shillings and Seven Pence Yet the aforesaid James in his Lifetime and the aforesaid Elizabeth Since his Death altho' often Demand the aforesaid Summ of £3. 11*s*. 7*d*. have not rendered to the aforesaid Plaintiff and the aforesaid Defendant as yet to render doth deny and unjustly detain Whereupon the Plaintiff Saith he is Damnify'd to the Value of Five Pounds and thereupon brings this Suite etc.

<*Discontinued.*> And the aforesaid Plaintiff being Solemnly required Came not neither prosecuted his Writt aforesaid Therefore It is Considered and Ordered that the said Plaintiff may be from hence in Mercy and the said Defendant may go without day, And that the said Plaintiff pay Costs alias Execution.

<*Dudley* v. *Bray.*> Christopher Dudley of Chowan Precinct Planter is Plaintiff and Thomas Bray Esqr. of the aforesaid Precinct is Defendant of a Plea of Debt Whereupon the Plaintiff Demands of the Defendant the Summ of Fifteen barrells of Pitch and also the Summ of Two Pounds which to the Plaintiff he oweth and from him unjustly Detaineth. For that whereas the said Defendant the 22d. day of Augst. 1715 at Chowan aforesaid by two Certain bills under the proper hand of the said Defendant did oblige himself to Pay unto the said Plaintiff Fifteen Barrells of Pitch and also the Summ of two pounds as by the said Bills here into Court brought whose dates is the day and Year abovesaid may Appear Yet nevertheless the said Defendant the aforesaid Fifteen Barrells of Pitch and Summ of two Pounds unto the Plaintiff hath he rendered and paid but Still doth refuse to render the Same 'altho' often thereunto required to the Plaintiff Damage thirty Pounds and therefore he brings this Suit etc.

<*Plea.*> And the aforesaid Defendant Comes and Defends the force and Injury when etc. and Saith nothing in barr or avoidance of the Action of the

aforesaid Plaintiff by which the said Plaintiff against the said Defendant should <138> remain undefended.

<*Judgement.*> Therefore It is Considered that the aforesaid Plaintiff shall recover against the said Defendant the aforesaid Summ of Fifteen Barrells of Pitch And the aforesaid Summ of Two Pounds with Cost of Suit Alias Execution.

<*Clayton* v. *Lumley.*> Mr. George Lumley of Pasquotank was Attach'd to Answer Mr. Henry Clayton and Mary his Wife Executrix to the last will and Testament of Major James Cole Deceas'd of a Plea of the Case.

And whereupon the said Plaintiff by Thos. Swann by his Attorney demands of the Defendant that he do render unto them the Summ of Nine pounds Fourteen shillings and Seven Pence Current money of this Province which from the Plaintiffs he unjustly Detaineth, For that whereas the said Defendant within this Province and Jurisdiction of this Court became Indebted to Major Jams. Coles the aforesaid Summ of Nine Pounds Fourteen shillings and Seven pence for Sundry goods wares and Merchandizes had and received of the aforesaid James Cole in His Life time as by Account bearing date the 11th. day of Febry. 1708/9 and ready in Court produced may more fully and at large appear Yet nevertheless the said Defendant the aforesaid Summ of Nine pounds Fourteen shillings and Seven pence to the said Jams. Cole in his Lifetime did not Satisfy and pay nor to the Plaintiffs Executrix as aforesaid Since his Death hath not Satisfy'd or paid but the Same to render and pay doth Still refuse and Deny tho' often thereunto required whereupon the Plaintiffs Saith they have Damage to the Value of £15 and thereof this their Suit is produced etc.

And the said Defendant being Solemnly Call'd came not neither did the Marshall make returne of bond or Security taken for the Said Defendants Appearance as by Law he ought to have done wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court Or An Attachment against the Defendants Estate.

<*Order* v. *Marshall.*> And the Plaintiff aforesaid making Choice of Order against the Marshall It is therefore Ordered that the Provost Marshall of the County of Albemarle have the body of the said Defendant at the next Generall Court to answer to the aforesaid Plaintiff otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which was Granted.

<139> <*Ambross* v. *Tull.*> Benjamin Tull late of the Precinct of Currytuck was Attach'd to Answer unto David Ambross of a Plea of trespass upon the Case etc.

And whereupon the said Plaintiff by Thomas Swann his Attorney Complains that whereas the said Plaintiff the 25th. day of October Anno Domini 1715 at Currytuck Precinct in the County of Albemarle in the Province aforesaid had Speech and Communication with the said Defendant of and Concerning the price and purchase and one bobb Tail Cow and Year Old belonging to and running in the Plantation of the said Defendant the said Defendant upon the Communication aforesaid then and there well and Faithfully did promise that if the Plaintiff would Sell and Deliver unto him the said Defendant one large double breasted Cloath

Coat for the Summ of three pounds ten shillings he the said Defendant would Sell and Deliver the aforesaid Cow and Year old together with their future Increase to the said Plaintiff for Fifty shillings in part of pay for the said Coat, And the Plaintiff in fact Saith that trusting to the many fair promises of the said Defendant he the said Plaintiff at the Especiall Instance and request of the said Defendant the day and Yeare above mentioned did Sell and Deliver unto the said Defendant the abovesaid Coat of the price of £3. 10*s*. 0*d*. Yet nevertheless the said Defendant his promise and assumption not regarding out of his Evil mind and malevolent Intention falsly most Wickedly and Deceitfully Contrive him the said Plaintiff to Deceive he the said Defendant unto the said Plaintiff the aforesaid Cow and Year Old together with their Increase hath not Delivered Altho' he Plaintiff Saith that the said Cow Since the Purchase of her, hath Increased by bringing One Young Calf. But the Same to Deliver unto the said Plaintiff doth as yet Gainsay to the Plaintiff Damage Seven Pounds Sterling and thereupon he brings this Suit etc.

And the said Defendant being Solemnly Call'd came not neither did the Marshall make returne of bond or Security taken for the said Defendants Appearance as by Law he ought to have done wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court, or an Attachment against the Defendants Estate.

<*Order* v. *Marshall.*> And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Ordered that the Provost Marshall of Albemarle have the body of the said Defendant at the next Generall to answer to the aforesaid Plaintiff Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which was Granted.

<140> <*Ambross* v. *Tull.*> Benjamin Tull of the Precinct of Currytuck was Attach'd to Answer David Ambross of the Same Precinct of a Plea of Trespass upon the Case etc.

And whereupon the said Plaintiff by Thos. Swann his Attorney Complains against the Defendant for that whereas he the said Plaintiff on or about the 20th. day of May last past was Seiz'd and possess'd of three head of Cattle (that is to Say) one Cow and Calf and one young year old Steer of the Price of four pounds Currant money as of his own proper goods and Chattells and being thereof So possessed, the said Plaintiff the day and Year aforesaid the said Cattle out of hands and possession Casually Lost which said Cattle afterwards (that is to Say) on or about the 30th. day of the said Month of May to the hands and possession of the said Defendant by finding Came, And the said Defendant well and Sufficently knowing the said Cattle to be the Cattle of the said Plaintiff and to him of Right to belong and Appertain but devising and Craftily Intending the said Plaintiff of the said Cattle to Defraud and deceive Tho' often requested the Same hath not Restored to the Plaintiff but the Same to Restore doth yet Gainsay to the Plaintiffs Damage £8 Sterling and therefore this his Suit is produced.

And the said Defendant being Solemnly Call'd came not neither did the Mar-

shall make returne of bond or Security taken for the said Defendants Appearance as by Law he ought to have done wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court, or an Attachment against the Defendants Estate.

<*Order* v. *Marshall.*> And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Ordered That the Provost Marshall of the County of Albemarle have the body of the said Defendant at the next Generall Court to answer to the aforesaid Plaintiff otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which was Granted.

<*Gibson* v. *Woodhouse.*> John Woodhouse of the Precinct of Currytuck Planter was Summon'd to Answer unto Henry Gibson of the Same Precinct Planter in a Plea of Trespass upon the Case.

And whereupon the said Henry by Thos. Swann his Attorney Complains, that he the said Henry the first of February which was in the year of our Lord 1714/5 was Seized and Possess'd of one Certain Plantation or Tract of Land Scittuate lying and being in Currytuck within the Jurisdiction of this Court Containing <141> Three hundred Acres as his own proper Lawfull and Rightfull Estate and Inheritance and being thereof so Seized and poss'ed as aforesaid the said Jno. afterwards (to witt) on the tenth day of the said Month of Febry. with force of Armes the Same did Enter and him the said Henry thereof did Descize, and the timber and Lightwood thereon Standing and Growing with Certain Oxen Horses and Carts did Splitt Pick up and bear away to the Value of Fourteen pound and other things Enormous to him did against the Peace of our Sovereigne Lord the King that now is, And to his Grevious Damage Twenty pounds and thereof this his Suit is Produced etc.

<*Imparlance.*> And the said John in his proper Person prayeth Speciall Lycence to Imparle untill the next Court to be holden the last Tuesday in October next to Answer to the said Henry of the Plea aforesaid and he hath it the Same day is also given to the Said Henry.

<*Richardson* v. *Pettiver.*> Daniel Richardson Esqr. Complains of Jno. Pettiver of Pequimons in the Province aforesaid Merchant Alias dictus Jno. Pettiver of the Precinct of Pequimons in the Province of North Carolina Merchant in the Custody of the Marshall etc. of a Plea that he renders unto him Five hundred Pounds in good Stone Pitch or Pork the which he owes and unjustly Detains For that whereas the aforesaid John the 2d. day of January 1715/6 at Chowan in the Province aforesaid by his certain writing whose date is the Same day and Year did acknowledge himself to be held and firmly bound unto the said Daniel in the Penall Summ of Five hundred Pounds to be paid in good Stone Pitch or Pork as aforesaid but upon Condition that If he said John should give free liberty full power and absolute authority to Ann Pettiver his now wife Relict and Executrix of Isaac Willson her late Husband Deceased to dispose of and Sell to her own use all the Personall Estate that the said Isaac dyed possess'd of and doth or may of right belong to her the said Ann, the debts and Legacys then due and owing thereunto being

first paid and Satisfy'd and thirty head of Cattle then being upon the Dwelling Plantation at Pequimans aforesaid being likewise thereunto Deducted and further shall and will and truly perform and do all the aforesaid promises matters and things as by the said Condition he has oblidged and bound himself to Perform and do, That then the said bond or writing obligatory was to be Void and of none Effect or else to be in full force and Vertue as by the Same may more fully appear And the said Daniel in fact Saith That notwithstanding all the debts and Legacys which has been hitherto made appear to be bona fide due and owing out of the said Isaac's Estate are already paid and Satisfyed or Secured and ready to be paid and Satisfyed by the said Ann and very Responseable and Sufficient Security offer'd to the said John to Indempnify and Secure him the said John against all and every the <142> Debts and Legacys (if any Such there be) that shall or may hereafter be brought against the said Isaac's Estate, And notwithstanding the said thirty head of Cattle are now in the Custody and possession of the said John Yet he the said John has not done and performed any the promises matters and things by the said Condition to be by him done and performed but has always deny and utterly refused and Still doth deny and refuse (altho' he has been thereunto in a Speciall manner required and Demanded) to admitt or Suffer her the said Ann to dispose off or Sell all or any part of the said Isaac's Personall Estate as she ought to do according to the true Intent and meaning of the Condition aforesaid whereby the said bond is become forfeited and from whence this action accrues to him the said Daniel to Compell and have the aforesaid Five hundred Pounds of and from the said John And Saith he has Damage Five hundred Pounds And thereupon this his Action is Produced etc.

Danll. Richardsen in proper person

<*Discontinued.*> And the said Daniel being Solomnly Called came not neither prosecuted his Writt aforesaid Therefore It is Considered and Ordered That the said Daniel be from hence in mercy and the said John may go without day and that the said Daniel pay Costs alias Execution.

<*Chevin* v. *Willis. Retraxit.*> Thomas Willis was attach'd to answer the Suit of Nathaniel Chevin Esqr. of a Plea of Debt ad Damnum Fifteen Pounds, And the said Plaintiff being Solemnly required Came not neither prosecuted his Writt aforesaid Therefore It is Considered and Order'd that the said Nathaniel may be from hence in mercy And the said Thomas may go without day, and that the said Nathaniel pay Costs alias Execution.

<*Took* v. *Wheatly. Retraxit.*> Robert Wheatly was Attach'd to Answer the Suit of James Took of a Plea of Debt ad Damnum Forty Pounds and the Plaintiff being Solemnly Call'd came not neither fil'd any Declaration Therefore, It is Considered and Ordered that the said James may be from hence in mercy and that the said Robert may goe without day And that the said James pay Costs Alias Execution.

<*Hopton* v. *Martin.*> Charles Hopton Comes to prosecute his Appeal to Reverse a Judgement pass'd in the Precinct Court of Craven July the 18th. 1716 against him the said Charles at the Suit of Thos. Martin in a Plea of Detinue etc.

And the said Charles by Edward Moseley his Attorney produceth here into Court the Transcript of the Record of the Proceedings of the Court of Craven upon a Plea of Detinue Comenced <143> by the said Thomas against the said

Charles, in these words:

North Carolina
Bath County } Ss.
Craven Precinct

Att a Court held at the House of Captain Wm. Hancock Junior July 18th 1716. Present Jno. Nellson Judge, Wm. Brice, Jno. Slocomb, Rd. Graves, Jacb. Miller Esqrs. Assistants.

Then Came Thos. Martin and prosecuted his Suit against Cha. Hopton and the Defendant Saith that he will not take noe advantage for want of the Plaintiffs Evidence, the Plaintiff Joyn'd Issue and Came to tryall the Defendant pray'd that his Evidence might be Sworne, Mr. Martin Frank Eliz. Craft and Susanah Roberts being Summon'd and Sworne according to Law as followeth (Videlicet) Mr. Martin Frank Deposeth that he heard Mrs. Dereham now the wife of Jams. Leigh say that she heard Thos. Martin agree with Josph. Dereham to Cary or Convey a Mare purchas'd of Fras. Roberts up to Taylors Creek and that the Indians being broke out when they Came to the Creek above mentioned the Indians Shott after them so that the Mare threw her Rider and gott away.

Eliza. Crafts Deposition that She heard Fras. Roberts Say that he had Sold the Mare to Thos. Martin that the said Robersts bought of Charles Hopton.

Susanah Roberts Deposition that she heard her Husband Fras. Roberts Say that he had Sold the Mare as the said Roberts bought of Charles Hopton for Six pound to Thos. Martin.

And after the case being actually debated and the Severall Evidences precisely heard the Plaintiff and Defendant with Submission threw themselves on the Court for Judgement having Joyn'd Issue and proceed to Tryall Judgement was granted to the plaintiff against the Defendant for the Mare mention'd in the Plaintiff Declaration with Costs of Suit alias Execution.

The Defendant Prays for an Appeal to the Generall Court which was Granted Richd. Graves Esqr. and Wm. Booth became Securety for the Prosecuting the Same.

And Saith that in the Record and Process aforesaid And also in giving Judgement aforesaid It is manifestly Erred.

First in this, That is to Say, That the said Thomas in his Declaration lays the ground of his Action to arise upon a Certain bill of Sale pass'd by the said Charles to One Francis Roberts as mentioned in the said Declaration, Which should not have been mentioned in the said Declaration to have been brought into Court by the said Thomas.

2. In this also It is Erred In giving the said Judgement for the <144> Mare Peremptorily, Whereas It ought to have been Conditionally Videlicet That the Plaintiff recover the thing It Self detain'd but if lost, then that he recover the Value, which Value ought to be first Asscertain'd by a Jury of Inquiry before Judgement finall be given.

And for these Causes the Judgement aforesaid for the said Thomas against the said Charles, and all things thereupon Depending in the Suit aforesaid in form aforesaid done and Exhibited is not Sufficient in Law, And the said Charles prayeth That the said Judgement aforesaid for the Errors aforesaid in the Record and Process aforesaid being be Annulled and Actually holden for none; And that he unto all which by occasion of the Judgement aforesaid given, he lost, he be Restored etc.

And the said Thomas being Solemnly call'd Came not Wherefore It is Ordered That the Judgement pass'd in the Precinct Court of Craven, be Reversed and Annulled, And that the said Charles be Restored to all that by means of the said Judgement he lost, And that the said Thomas pay Costs Alias Execution.

<*Adjourn'd to the next Court in Course.*> C. Gale Ch. Justice

[*August 1716*]

[*CCR 103*]

<6> At a Generall Court of Oyer and Terminer and Generall Goal Delivery held at the House of Wm. Branch in Chowan Precinct the 2d. Augst. 1716. Present Christopher Gale Esqr. Ch. Justice, Jno. Worley, Thos. Harvey Esqrs. his Assistants.

The Grand Jury Impannell'd and Sworn. Josph. Sanderson Foreman, Rd. Lewis, Josa. Porter, Thos. Luten Junior, Jams. Ward, Jams. Blount, Thos. Yate, Wm. Yate, Jno. Robinson, Thos. Rogers, Edwd. Howcott, Thos. Averitt, Fras. Branch, Geoe. Haughton, Rd. Lowell, Davd. Jones, Jno. Jennet, Martin Fredk. Razon, Wm. Leary, Jno. Woodhouse, Walis Bray.

Jacob Rightekey bound to Appear at the Court appear'd and is dismiss'd without day paying Costs.

Jno. Worley Esqr. is appointed Overseer of the Highway from Mr. Longs on the South Shore to the Flatt Swamp And all Persons within the said Limits are required to work on the Same Roads.

Jno. Worley Esqr. Desiring a Road to be Clear'd from the Paupau neck to Kendrick's Creek.

Ordered that Jams. Long Thos. Long, <7> Jams. Hooper, Thos. Hawkins, Thos. Stealey, Benjm. Blount, Rd. Canady, Rd. Denison, Jno. Browney, Nicho. Brightman, Jno. Swain, and Jno. Simpson be appointed a jury to lay out the Same being first qualify'd and that they observe the Law in that Case made and Provided.

Upon the Petition of Wm. Stevins Setting forth that an Apprentice of his Jno. Rutter Deserted his Service and is Detain'd by Jams. Thickpen and the said Thickpen appearing and shewing no Lawfull Cause for detaining him. Ordered that the said Apprentice be return'd to his said Master and Continue with him according to his Indenture.

Upon the hearing of Sundry Complaints of Wm. Wilkisson and Sarah his Wife, and Jno. Hassell

It is Order'd that the said Jno. Hassell give Security that he shall not Cohabitt with the said Sarah Wilkisson.

<*Dominus Rex* v. *Wattson.*> And now here at this day Jno. Wattson in Custody of the Marshall to the barr here brought in his proper person came and being asked how of the Crime aforesaid he would acquitt himself, Said That he is not thereof Guilty and of this he putts himself upon the Country and Danll. Richardson who on this behalf followeth for the King likewise.

Therefore imediately Came a Jury thereof, and the Jurors of that Jury by the Marshall Impannelled being called (that is to Say) Henry Bonner, Lemll. Taylor,

Thos. Spight, Jno. Harlow, Xphr. Dudley, Edwd. Jackson, Fras. Bridgeon, Chas. Hopten, Wm. Thomson, John Goodin, Orlando Champeen, Jno. Beverly Appear'd who to Speak the Truth of and upon the premises Chosen tryed and Sworn say upon their Oaths.

<*Verdict.* > We of the Jury find the Defendant not Guilty.

<*Judgement.* > Ordered that the said Wattson be dismised without day Paying his Fees.

<8> <*Lee's Recognizance Dismisst.* > And now here at this day Danl. Richardson Esqr. Attorney Generall of our Lord the King being present here in Court in his proper Person and being spoken to and asked if he against the said Mary Lee had any Information or Presentment to make that the Same might be laid before the Grand Jury, Answer'd No. Whereupon by the Court here the said Mary Lee is Dismisst without Day.

<*Dominus Rex* v. *Davis.* > To the Honorable Christopher Gale Esqr. Ch. Justice and to his Assistants for holding the General Court for this Province.

The Jurors for our Sovereign Lord the King that now is presents Hugh Davis of the Precinct of Pequimans in the County of Albemarle in the Province aforesaid For that he the said Hugh Davis on or about the twentieth day of Novr. 1715 did unlawfully mismark Seven Piggs belonging unto Captain John Pettiver Esqr. Contrary to an Act of Assembly in that behalf made and Provided.

Danll. Richardson Attorney Generall

<*Plea.* > And upon this at the Self Same Court before the aforesaid Justices the aforesaid Hugh Davis in Custody of the Marshall to the barr there brought in his proper Person Came and being asked how of the Crime aforesaid he would acquit himself, Said That he is not thereof Guilty and of this he putts himself upon the Country, And Danll. Richardson who on this behalf followeth for the King likewise.

Therefore immediately Came a Jury thereof and the Jurors of that Jury by the Marshall Impannelled being Call'd (that is to Say) Henry Bonner, Lemll. Tayler, Thos. Spight, Jno. Harlow, Xphr. Dudley, Edwd. Jackson, Fras. Pridgeon, Chars. Hopton, Wm. Thompson, Jno. Goodin, Orlando Champion, Richd. Batchelor Appear'd who to Speak the [*torn*] <9> hath of and upon the premises Chosen tryed and Sworn say upon their Oaths.

<*Verdict.* > We of the Jury find the Defendant not Guilty.

<*Judgement.* > Ordered that the said Davis be Dismiss'd without day paying his Fees.

<*Information* v. *Lee.* > To the Honorable Christopher Gale Esqr. Ch. Justice and [*torn*] his Assistants for holding the Generall Court for this Province.

The Jurors for our Sovereign Lord the King that now is presents Mr. Thos. Lee of the Precinct of Chowan in the County of Albemarle in the Province aforesaid For that he the said Thos. Lee on the tenth day of July 1716 at Chowan aforesaid maliciously a certain false Libell in writing to the Defaming Captain Jno. Worley Esqr. one of the Justices of the Aforesaid Generall Court did Issue forth and Publish Containing Inter alia these false and Scandalous words following, Thro' his Ignorance and Spight to me (meaning him the said Thomas Lee) I am like to be a great Sufferer in many Particulars for he takes oppertunity (meaning him the said

John Worley) of giving ill advice to my Servants, and to give it to the prejudice of their master, And upon Complaints made to him for Debts above the Value of Twenty shillings he does not Stick (meaning him the said Jno. Worley) to intermedle without Law on his Side but grants Orders for the Same and Severely reprimands the Constable and Commands him not to give Copies of the Warrants and Orders he Executes, he Exacts more Fees than the Law allowes which is Contrary to the Oath, and when goods are taken in Execution and the money Tendered he Orders the Officers not to Deliver them, and that Instead of doing his duty (meaning him the said John) he broke the peace, whereby the said John is Scandalized etc. And is against the Peace of our Lord the King that now is his Crown and Dignity.

<10> <*Information* v. *Charity Brown.*> Wee the body of the Grand Jury for Albemarle County in the Province of North Carolina do present Charity Brown for that she hath a Bastard Child at the House of Mr. Thos. Rogers in this Precinct of Chowan.

<*Information* v. *Boone.*> Also in Currytuck Precinct, one Edwd. Bonne leaving a wife in Virginia and keeps a whore in this Government by which it very plain appears that she hath Severall Bastards by him the said Bonne.

<*Information* v. *Sus. Brown.*> Also one Susanah Brown living at Petty shore hath two Bastards.

<*Information* v. *Worley.*> Information of Captain Jno. Worley also who keeps in his House the wife of Jno. Hawkins she having Severall Children Contrary to Law.

Josph. Sanderson

Adjourned to the Court in Course.

C. Gale Ch. Justice

[*October 1716*]

[*CCR 105*]

<146> Att a Generall Court or Court of Pleas and Court of Oyer and Terminer and Generall Goal Delivery held at the Court House at Queen Anns Creek the 30th 8ber 1716. Present Christopher Gale Esqr. Ch. Justice.

The Court being Open'd Adjourn'd till tomorrow morning 8 a Clock to house of Wm. Branch. Then was read and Publish'd a Commission of the Peace Directed to Richard Sanderson Jno. Blount Thos. Miller Griffin Jones Thos. Harvey Jno. Palin Robt. West Jno. Worley Benjm. West and Jno. Hardy Esqrs. In pursuance to which Major Thos. Harvey and John Hardey Esqrs. took and Subscrib'd the Severall oaths as by Law is required, And their places in Court accordingly.

Whereas the Laws of this Government does Impower any three Justices of this Court to Ascertain Such Fees as is not Ascertain'd in the table of Fees till the next Assembly shall think fitt to Alter or allow of the Same. This Court does Order that the Chief Justice may Demand the Summ of Five shillings for every Sale of Land that shall be prov'd or acknowledged before him Including the Order for Registring, Certifycate and recording of the Same.

The last Will and Testament of Mary Lee is prov'd by the Oaths of Gil. Halliday, Wm. Swinson and Jno. Edwards.

<*Porters Executors* v. *Phelps. Cont.*> And now here at this day Came the aforesaid Porters etc. by their Attorney and hereupon at the motion of the Plaintiff the Defendant not Appearing the said Cause is put in Respite untill the next Court the last Tueday in March next to be holden at Queen Ann's Creek.

<*Boyd* v. *Fisher Attachment Cont.*> And now here at this day came the aforesaid Plaintiff in his proper Person And the Sheriff nothing therein did, nor sent in the Writt. Therefore lett there be made to him another writt thereof in form aforesaid returnable here the last Tuesday in March next, the Same day is given to the partys here etc.

<*Low Administrator* v. *Solley. Cont.*> And now here at this day Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneys. And hereupon by the Consent of both partys the Cause is sent in Respite untill the next Court the last Tuesday in March next.

<*Wentworth and Calf* v. *Godbey. Retraxit.*> And now here at this day came the aforesaid Plaintiffs by their Attorney and Confesseth himself to be Satisfy'd of the Debt and Damages aforesaid Therefore the aforesaid Defendant of the said Debt and Damages is acquitted etc.

<*Bray* v. *Jackson Discontinued.*> And now here at this day the aforesaid Plaintiff being Solemnly required came not neither prosecuted his Writt aforesaid. Therefore It is Consider'd and Ordered <147> That the aforesaid Plaintiff be from hence in Mercy and the aforesaid Defendant may go without day and that the said Plaintiff pay Costs alias Execution.

<*Cartwright* v. *Low. Discontinued.*> And now here at this day the aforesaid Plaintiff being Solemnly required Came not neither prosecuted his Writt aforesaid Therefore it is Considered and Order'd that the said Plaintiff be from hence in mercy and the said Defendant may go without day and that the said Plaintiff pay Costs alias Execution.

<*Newman* v. *Hendrick Discontinued.*> And now here at this day the aforesaid Plaintiff being Solemnly required Came not neither prosecuted his Writt aforesaid. Therefore it is Consider'd and Order'd that the said Plaintiff be from hence in mercy and the said Defendant may go without day And that the said Plaintiff pay Costs alias Execution.

<*Newman* v. *Mixon. Discontinued.*> And not here at this day the aforesaid Plaintiff being Solemnly required Came not neither prosecuted his Writt aforesaid. Therefore it is Consider'd and Order'd that the said Plaintiff may be from hence in mercy, And the said Defendant may go without day, And that the said Plaintiff pay Costs alias Execution.[13]

<*Boyd* v. *Jenkins Attachment.*> And now here at this day Came Josph. Pegg Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall And makes return of the aforesaid Attachment That he hath Attach'd in the hands of Samll. Doaly the Summ of Six pounds with which the said Boyd is Content.

<*Took* v. *Davis.*> And now here at this day Came the aforesaid Plaintiff by his Attorney, And the said Defendant being Solemnly call'd came not.

[13] This entry is repeated in full.

It is therefore Consider'd that the Judgement obtain'd by the said Plaintiff against [*blank*] Provost Marshall of the County of Bath be Confirm'd the said Plaintiff having made his Debt Appear to be due pursuant to the Direction of the Acts of Assembly in that Case made and Provided.

Order'd that the said [*blank*] do pay to the said Plaintiff the Summ of Fifteen pounds Nine shillings and Seven pence with Costs of Suit alias Execution.

<*And Marshall* v. *Davis.*> It is also further Granted that the Marshall do recover of the said Defendant Fifteen pounds Nine shillings and Seven pence as well as the Costs Damages and Charges by reason of the said Judgement being Confirm'd against him for the said Defendants non Appearance.

Order'd that the said Defendant do pay to [*blank*] Esqr. the Summ of Fifteen pounds Nine shillings and Seven Pence As also the Summ of Two Pounds three shillings with Four shillings and two pence fee as by Law allow'd for Judgement pass'd against him alias Execution.

<*Low* v. *Cartwright Discontinued.*> And now here at this day the aforesaid Plaintiff being Solemnly required Came not neither prosecuted his Writt aforesaid. Therefore it is Consider'd And Order'd that the said Plaintiff may be from hence in mercy, And the said Defendant may go without day. And that the said Plaintiff pay Costs alias Execution.

<*Kent* v. *Smith. Plea.*> And now here at this day Came aforesaid Defendant by Danll. Richardson his Attorney and defends the force and Injury when etc. And Saith that he is not Guilty and of this he puts himself upon the Country and the Plaintiff in like manner. Therefore it was Commanded to Jo. Pegg Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall that he should cause to Come etc. twelve etc. by whome etc. and who neither etc. to Recognize etc. And there Came Wm. Fryly, Jams. Long, Jno. Wattkins, Ja. Ward, Thos. Hawkins, Thos. Wyley, Jams. Hawkins, Wm. Swinson, Thos. Steeley, Jacb. Blount, Thos. Spivy <148> Nath. Averitt who between the partys aforesaid being Impannel'd and to Say the truth of the premises Elected tryed and Sworn did Say upon their Oaths. <*Verdict.*> Wee of the Jury find for the Plaintiff twenty shillings Damages.

<*Judgement.*> By which then it was Considered and Order'd that the aforesaid Plaintiff shall recover against the said Defendant the said Summ of twenty shillings by the Jury aforesaid in form aforesaid Assess'd also the Summ of twenty shillings for his Costs and Charges aforesaid Adjudg'd alias Execution.

<*Wallis* v. *Keel.*> And now here at this day Came the aforesaid Plaintiff by his Attorney And the aforesaid Defendant by his Attorney cometh and Defendeth the force and Injury when etc. and Saith that he Cannot deny the aforesaid Action of the said Plaintiff neither, but the writing aforesaid is the Deed of him the aforesaid Defendant neither, but he did give and grant by that writing to the said Plaintiff and his Heirs the aforesaid Four hundred Acres of Land with all and Singular the Appurtenances neither, but he by that writing is held to Warrant to the said Plaintiff the Four hundred Acres of Land aforesaid with the Appurtenances in the form in which the said Plaintiff above hath Declared against him.

Therefore It is Consider'd of that the said Defendant may Warrant to the said Plaintiff the Four hundred Acres of Land with the Appurtenances etc.

<*Pollock* v. *Phelps.*> And now here at this day Came the aforesaid Plaintiff by his attorney And the said Defendant being Solemnly Call'd came not.

It is therefore Consider'd that the Judgement obtain'd by the said Plaintiff against the said Jno. Hacklefeild Esqr. Provost Marshall of the County of Albemarle the said Plaintiff having made his Debt Appear to be due Pursuant to the Directions of the Act of Assembly in that Case made and Provided.

Order'd that the said Jno. Hacklefield Esqr. do pay to the said Plaintiff the Sum of Four pounds Sixteen shillings Sterling with Costs alias Execution.

<*And Hacklefield* v. *Phelps.*> It is also further granted that the Marshall do recover of the said Defendant Four pounds Sixteen shillings Sterling as well as the Costs Damages and Charges by reason of the said Judgement being Confirm'd against him for the said Defendants non Appearance.

Order'd that the said Defendant do pay to Jno. Hacklefield Esqr. The Summ of Four pounds Sixteen shillings Sterling Also the Summ of [*blank*] with four shillings and two pence fee as by Law allow'd for Judgement being pass'd against him alias Execution.

<*Moseley* v. *Selley.*> And now here at this day Came the aforesaid Plaintiff in his proper Person And the said Defendant being Solemnly Call'd came not.

It is therefore Consider'd that the Judgement obtain'd by the said Plaintiff against the said Emll. Cleave Provost Marshall of the County of Bath the said Plaintiff having made his Debt Appear to be due pursuant to the Direction of the Acts of Assembly in that Case made and Provided.

Order'd that the said Emll. Cleave Esqr. do pay to the said Plaintiff the Summ of twenty one pound Fourteen shillings and Seven pence in Publick Bills without deducting Interest with [*blank*] Costs alias Execution.

<*And Cleave* [*illegible*] v. *Selley.*> It is also further granted that the Marshall do recover of the said Defendant twenty One pound Fourteen shillings and Seven pence as well as the Costs Damages and Charges by reason of the said Judgement being Confirm'd against him for the Defendants non Appearance.

Order'd that the said Defendant do pay to Emll. Cleave Esqr. the Summ of twenty One pound Fourteen shillings and Seven pence in Publick bills without deducting Interest Also the Summ of [*blank*] with Four shillings and two pence fee as by Law allow'd for Judgement being pass'd against him alias Execution.

<149> <*Keaton* v. *Williams. Cont.*> And now here at this day Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneys And hereupon by the Consent of both partys the Cause is put in Respite untill the next Court the last Tuesday in March next.

<*Clayton* v. *Lumley. Retraxit.*> And now here at this day Came the aforesaid Plaintiff by his Attorney And Confesseth himself to be Satisfy'd of the Damages aforesaid.

Therefore the aforesaid Defendant of the Damages aforesaid is Acquitted etc.

<*Ambross* v. *Tull. Retraxit.*> And now here at this day Came the aforesaid Plaintiff by his Attorney And Confesseth himself to be Satisfy'd of the Damages aforesaid.

Therefore the aforesaid Defendant of the Damages aforesaid is Acquitted etc.[14]

<*Gibson* v. *Woodhouse. Plea.*> And now here at this day the aforesaid De-

[14] This entry is repeated in full.

fendant by his Attorney Came etc. and to the Coming by force and Armes he saith he is nothing thereof guilty and of this he puts himself upon the Country And the Plaintiff Likewise.

And to the breaking of the Close aforesaid and the taking and bearing away the timber and Lightwood abovesaid Suppos'd to be done the said Defendant Saith, That not any Action because he Saith that the Close aforesaid and also the places in which it is Suppos'd the trespass aforesaid to be made, are, and at the aforesaid time in which it is Suppos'd that tresspass to be made was part and parcell of thre hundred Acres of Land Granted by the true and Absolute Lords Proprietors of Carolina unto Edwd. Taylor of Currytuck as appears by a Pattent under the Seal of the Colloney bearing date the 2d. of October 1704 and are the freehold of the said Defendant by which the said Defendant at the aforesaid time etc. into the aforesaid Close etc. and the aforesaid timber and Lightwood took and Carry'd away as to him it was Lawfull; and this he is ready to Verify etc. whereof he Demands Judgement if etc. Action etc. against him he ought to have etc.

E. Moseley for the Defendant

And the aforesaid Plaintiff Saith that he ought not to before Cutt or Exclude by any thing before Alleg'd; because hee Saith that the Land mention'd in the Declaration is the proper and Rightfull Estate and Inheritance of the aforesaid Plaintiff as by a Survey made the 3d. day of Augst. 1713 and Return'd into the Secretarys Office, And of this he prays may be Enquired of by the Country, And the Defendant in like manner.

Therefore It was Commanded to Jo. Pegg Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall that he should Cause to Come etc. twelve etc. by whome etc. and who neither etc. to Recognize etc. And there Came Wm. Fryley, Ja. Long, Jno. Wattkins, Ja. Ward, Thos. Hawkins, Thos. Wyley, Ja. Hawkins, Wm. Swinsen, Thos. Steely, Jacb. Blount Thos. Spivy, and Na. Averitt who between the partys aforesaid being Impannelled and to Say the truth of the Premises Elected tryed and Sworn did Say upon their Oaths.

<*Verdict.*> We of the Jury find for the Plaintiff Eight Pounds Damages with Costs of Suit.

<*Judgement.*> By which then it was Consider'd and Ordered that the aforesaid Plaintiff shall recover against the Defendant the said Summ of Eight Pounds by the Jury aforesaid in form aforesaid Assess'd Also the Summ of [*blank*] for his Costs and Charges aforesaid Adjudg'd Alias Execution.

<*Evidences.*> Upon the Petition of Josph. Sanderson and Wm. Leary praying to be allow'd for their Attendance etc. as Evidences in the said Cause Ordered that the <150> Defendant pay to the said Josph. Sanderson and Wm. Leary the Summ of One Pound and two shillings each alias Execution.

<*Mcfarlan* v. *Allen.*> Sheppey Allen Planter was Attach'd to Answer Danl. Mcfarlan of a Plea of Trespass upon the Case etc.

And whereupon the said Danl. by Edwd. Moseley his Attorney Complains That whereas the said Sheppey the 7 day of July 1713 at Bath Town became indebted unto one John Solley in the Summ of twenty One pounds Current money of North Carolina. The said Sheppey in Consideration that he the said Daniel would pay unto the said John the aforesaid Summ of twenty pounds did Assume

upon himself and to the said Daniel then and there faithfully promis'd that he the said Sheppey the aforesaid Summ of twenty Pounds unto him the said Daniel would repay and Satisfy, And the said Daniel so in fact Saith That upon Such Assumpsit made by the said Sheppey did on the 7th. of Aprill then next Ensuing pay unto the said John the Summ of twenty Pounds as aforesaid Yet nevertheless the said Sheppey his promise and Assumpsit so made unto him the said Daniel not minding or regarding but Intending and Craftily Designing the said Daniel of the Same twenty Pounds to Deceive and defraud the Same hath not paid but altogether refuseth to the Damage of him the said Daniel Thirty pounds And thereupon he brings this Suit etc.

<*Imparlance.*> And the said Defendant in his proper Person prayeth Lycence to Imparle untill the next Court to be holden the last Tuesday in March next following to Answer to the Plaintiff of the Plea aforesaid And he hath it. The Same day is also given to the Plaintiff.

<*Cannings* v. *Lumley.*> Joseph Cannings of Chowan Precinct is Plaintiff and George Lumley is Defendant in a Plea of Debt.

And the Same Plaintiff by Edwd. Moseley his Attorney Demands of the Defendant that he do render unto him the Summ of Eight pounds eighteen shillings and eight pence halfpenny which from the Plaintiff he unjustly Detaineth. For that whereas the said Defendant by his Certain bill Obligatory under his proper hand bearing date the 16th. day of May 1711 did bind and oblige himself his Heirs Executors and Administrators to pay or Cause to be paid unto the said Plaintiff the said Summ of Eight pounds Eighteen shillings and 8½*d.* as by the said Bill here into Court brought doth Appear. Notwithstanding the said Defendant his obligation aforesaid not regarding but the Same to render hath refus'd and doth Yet refuse tho' often thereunto required to the Plaintiffs Damage Sixteen pounds and therefore he brings this Suit etc.

<*Retraxit.*> And the said Plaintiff by his Attorney Confesseth himself to be Satisfy'd of the Debt and Damages aforesaid Therefore the aforesaid Defendant of the said Debt and Damages is Acquitted etc.

<*Blanchard* v. *Fleming.*> James Fleming of Chowan Precinct Planter was Attach'd to Answer unto Aaron Blanchard of a Plea of Trespass etc.

And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains That the aforesaid Defendant the 28th. day of Febry. last past by force and Armes that is to Say with Gunns Axes and knives a Certain Steer of the said Plaintiff at Chowan aforesaid late found he took and killed and other harmes to him he did to the Plaintiffs Damage Ten Pounds And thereuppon he brings this Suit etc.

<*Retraxit.*> And the said Plaintiff by his Attorney Confesseth himself to be Satisfyed of the Damages aforesaid Therefore the aforesaid Defendant of the said Damages is Acquitted.

<*Evidences.*> Upon the Petition of George Turnidge and Jno. Arline praying to be allow'd for their Attendance etc. as Evidence in the said Cause Order'd that the Defendant pay to the said George Turnidge and Jno. Arline the Summ of Five shillings and ten pence each Alias Execution.

<151> <*Wentworth and Company* v. *Wells.*> Samuel Wentworth and Com-

pany of Boston in New England Merchant is Plaintiff And John Wells of Chowan Precinct Planter is Defendant in a Plea of Debt.

And the said Plaintiff by Edwd. Moseley his Attorney Demands of the Defendant that he do render unto him the said Plaintiff the Summ of twelve Pounds Sterling money of England which to him he oweth and from him unjustly detaineth for that whereas the said Defendant the 2d. day of June 1715 became Indebted to him the said Plaintiff in the aforesaid Summ of twelve pounds Sterling to be paid unto the said Plaintiff his Heirs Executors Administrators or Certain Attorney at or upon the first day of Septr. next as by a Certain bill obligatory Sign'd by the said Defendant whose date is the Same day and Year abovementioned and which the said Plaintiff bringeth here into Court will more fully appear Nevertheless the said Defendant the said Summ of twelve Pounds to the Plaintiffs hath not paid but the Same to pay hath and doth Still refuse to the Plaintiffs Damage twenty Pound Sterling And thereupon he brings this Suite etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd came not nor did the Marshall make returne of bond and Security taken for the said Defendants Appearance as by Law he ought to have done. Wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of the County of Albemarle have the body of the said Defendant at the next Generall Court to Answer to the aforesaid Plaintiff Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<*Calf* v. *Keef.*> Robert Calf of Boston Merchant is Plaintiff and Treddel Keef of Chowan Precinct Planter is Defendant of a Plea of Debt etc.

And whereupon the Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Defendant by his Certain bill under this proper hand bearing date the 26th. day of Sepr. 1715 did oblige himself his Heirs or Assignes to pay or cause to be paid unto the said Plaintiff his Heirs Executors Administrators or Assignes or certain Attorney the Summ of Fifteen pounds and Seven shillings Sterling money upon Demand as by the said bill here into Court brought doth Appear Notwithstanding the said Defendant his obligation aforesaid not regarding the said Summ of Fifteen pounds and Seven shillings Sterling money aforesaid unto the said Plaintiff hath not paid, but the Same to render hath refusd and doth Yet refuse (tho' often thereunto required) to the Plaintiffs Damage Thirty pounds and therefore he brings this Suite etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Came not nor did the Marshall make returne of bond or Security taken for the said Defendants Appearance as by Law he ought to have done, Wherefore the Plaintiff is put to his Choice either to have an Order against the Marshall with stay of Execution till the next Court, or An Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to Answer the aforesaid Plaintiff Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

<152> Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appeare etc. Which is Granted.

<*Foster* v. *Tomes.*> Joshua Tomes of Pequimans Precinct Planter was Attach'd to Answer Francis Foster (alias Dictus) the honorable Francis Foster of the Same Precinct Gentleman of a Plea that he should warrant unto him Fifty Acres of Land with the Appurtenances which of him he Claims to hold and whereof he hath his Deed etc.

And whereupon the said Plaintiff by Edwd. Moseley his Attorney Saith that the aforesaid Defendant was Seiz'd of the aforesaid Fifty Acres of Land in the Demesn as of Fee etc. thereof being Seiz'd the 10th. day of March 1707 by his Certain writing from under the hand and Seal of the said Defendant which the said Plaintiff bringeth here into Court whose date is the Same day and Year did give Grant bargain Sell Allein Enfeoff and Confirm unto the said Plaintiff his Heirs and Assignes for ever the aforesaid Fifty Acres of Land in Pequimans Precinct aforesaid with all and Singular the Appurtenances to have and to hold unto the said Fras. Foster his Heirs and Assignes for ever with warranty against the just Claim or Claims of any person or Persons whoever as by the said deed more fully Appears by vertue of which Deed the aforesaid Plaintiff was of the aforesaid Fifty Acres of Land Seized in his Demesn as of Fee and the said Plaintiff being thereof so Seiz'd One Richard Thomas before Christopher Gale Esqr. and his Assistants Justices of the Generall Court here, that is to Say at Queen Ann's Creek in Chowan Precinct Impleaded him the said Plaintiff of and for the aforesaid Fifty Acres of Land with the Appurtenances by the Writt of the Lord the King of Entry upon Disseissin in the Quibus by which the said Plaintiff hanging that Writt requested the aforesaid Defendant to Warrant to the aforesaid Plaintiff the aforesaid Fifty Acres with the Appurtenances aforesaid Notwithstanding the said Defendant the aforesaid Fifty Acres of Land to the said Plaintiff his Heirs as yet to Warrant, doth deny, and Still Denyeth Whereupon he Saith he is Damnify'd and hath Loss to the Value of Five hundred Pounds and therefore he produceth this Suit etc.

<*Discontinued.*> And the aforesaid Plaintiff being Solemnly required Came not neither prosecuted his Writt aforesaid. Therefore It is Considered and Order'd that the aforesaid Plaintiff may be from hence in mercy. And the said Defendant may goe without day, And that the said Plaintiff pay Costs alias Execution.

<*Took* v. *Knights. Retraxit.*> Lewis Knights was Attach'd to Answer the Suit of Jams. Took ad Damnum Sixteen Pounds.

And the said Plaintiff by Danll. Richardson his Attorney Confesseth himself to be satisfy'd of the Damages aforesaid Therefore the aforesaid Defendant of the Damages aforesaid is acquitted etc.

<*Smith* v. *Smith etc.*> Wm. Smith Jno. Avery and Wm. Relf Junior was Attach'd [*to*] Answer the Suit of Wm. Smith Of a Plea of Debt upon Account and Damages Videlicet Wm. Smith Defendant fiften Pound Jno. Avery Seven Pounds and Wm. Relf Junior five Pounds.

<*Retraxit.*> And the said Plaintiff by Danll. Richardson his Attorney Confesseth himself to be Satisfy'd of the Damages aforesaid Therfore the aforesaid Defendant of the Damages aforesaid are Acquitted.

<*Took* v. *Keel.*> Robt. Keel was Attach'd to Answer the Suit of Jams. Took of a Plea of Debt ad Damnum thirty Pounds.

<*Retraxit.*> And the said Plaintiff by Danll. Richardson his Attorney Confesseth himself to be Satisfy'd of the Debt and Damages aforesaid Therefore the aforesaid Defendant of the Debt and Damages is Acquitted.

<153> <*Palin* v. *Glaister.*> Joseph Glaister and Mary his Wife in mercy for many Defaults And the Same Joseph and Mary his Wife were Sumon'd to Answer Jno. Palin Esqr. of a plea that whereas they the said Jno. Palin And the aforesaid Joseph and Mary in right of the said Mary together and undevided do hold to them and their Heirs one Certain Plantation Containing One hundred and Fifty Acres or thereabouts with the Appurtenances, The said Joseph and Mary to make partition thereof between them according to the form of the Statute in that Case published and Provided do Deny and the Same most unjustly permitt not to be Done against the form of the Statute aforesaid etc. And whereupon the said John by Danll. Richardson his Attorney Saith That whereas he and the aforesaid Joseph and Mary together and undivided do hold to them and their Heirs the Plantation and Land aforesaid with the Appurtenances whereof unto him the said John and his Heirs it belongs to have One full third part of the said Plantation and Land aforesaid with the Appurtenances in three parts equally to be Divided, and to the aforesaid Joseph and Mary in right of the said Mary it Appertains to have the other two parts the residue of the said Plantation and Land with the Appurtenances So to be Divided as aforesaid to hold to them in Severally So that the Same John of his part of the Land and Plantation aforesaid with the Appurtenances to him belonging and the said Joseph and Mary of their parts of the Plantation and Land aforesaid with the Appurtenances to them belonging may be able Severally to Appart They the said Joseph and Mary to make Partition thereof between them according to the form of the Statute in that case made and provided do Deny and the Same most unjustly permitt not to be Done against the form of the Statute aforesaid whereupon he Saith he is Damnify'd and has Damage to the Value of Fifty Pounds And thereupon he brings this Suit etc.

<*Non Suit.*> And the said Defendant Cometh in his own proper Person and Saith that he hath not been Serv'd with the Declaration aforesaid in due time as by Law he ought and thereupon praying Non Suit. And it Appearing to the Court here that the said Defendant hath not been Serv'd with the Declaration aforesaid in time Regular. Therefore It is Consider'd and Order'd that the said Plaintiff may be from hence in mercy, And the said may go without day, And that the said Plaintiff pay Costs alias Execution.

<*Took* v. *Murden.*> Jeremiah Murden was Attach'd to Answer the Suit of Jams. Took of a Plea of Debt upon Account ad Damnum Seven pounds.

<*Retraxit.*> And the said Plaintiff by Danll. Richardson his Attorney Confesseth himself to be Satisfy'd of the Damages aforesaid. Therefore the aforesaid Defendant of the Damages aforesaid is acquitted.

<*Peel* v. *Pettiver.*> John Pettiver of Pequimans in County Albemarle Esqr. and Ann his wife Late the Widow and Relict of Isaac Willson late of Pequimans aforesaid her late Husband Deceased Alias Dictus Ann Willson of North Carolina were Summoned to Answer Wm. Peel of Newyork of a Plea that they render unto him Eight Pound and Sixteen shillings Sterling money the which to him they owe and unjustly Detain etc. Whereupon the said William by Danll. Richardson his Attorney Saith that the said Ann the 22d. day of Novr. 1714 at Pequimans aforesaid and whilst She was a widow as aforesaid by her Certain Bill obligatory under her hand and here in Court ready to be produced whose date is the Same day and Year ownes her Self Strictly and firmly bound in the aforesaid Eeight Pounds and Sixteen shillings Sterling money for the true payment of four Pounds and Eight shillings in good and Merchantable Pitch at or before the first day of April next Ensuing the Date of the said bill And the said William in fact Saith that the said Ann did not pay to <154> the said William the aforesaid Four pounds and Eight shillings at before nor upon the first day of Aprill nor at nor upon any other day as she ought had done according to the form and Effect of the said Bill by which an Action Accrues to him the said William to gett and have of the aforesaid John and Ann the aforesaid Eight pounds and Sixteen shillings Yet the said John and Ann his Wife notwithstanding they have been often thereunto requested the aforesaid Eight Pounds and Sixteen shillings have not Rendred, but the Same to him hitherto have refused to render and Still do refuse from whence he Saith he is Detrimented and has Damage to the Value of thirty two Pounds And thereupon this his Suit is produced etc.

<*Retraxit.*> And the said Plaintiff by his Attorney Confesseth himself to be Satisfy'd of the aforesaid Debt and Damages. Therefore the aforesaid Defendant of the Debt and Damages aforesaid is acquitted.

<*Took* v. *Pettiver and Uxor.*> John Pettiver of Pequimans in County Albemarle Esqr. and Ann his Now wife late the Widow and Relict of Isaac Wilson her late Husband Deceased were Summon'd to Answer James Took Merchant of a Plea that they render to him thirty Pounds Current money of New England the which to him they owe and unjustly Detain etc. Whereupon the said Jams. by Danll. Richardson his Attorney Saith that the said Ann whilst she was a Widow as aforesaid on the 8th. day of July 1714 at Pequimans aforesaid did account and Compute with the said James of Divers Summs of money to the said James by the aforesaid Ann before that time due and payable, And that Computation and Accounting the aforesaid Ann was then found to be in Arrears to the said James Thirty pounds Current money of New England by which an Action Accrues to the said James to obtain and have the said Jno. and Ann the aforesaid Thirty Pounds Yet the said John and Ann Notwithstanding they have been often requested thereunto the aforesaid Thirty Pounds has not rendred, but hitherto to render they refused and Still do refuse from whence he Saith he is Detremented and has Damage to the Value of Sixty Pounds and thereupon this his Suit is Produced etc.

<*Cont.*> And the said Defendant being Solemnly Call'd Came and hereupon

by the Consent of both partys the Cause is put in Respite untill the next Court.

<*Took* v. *Bowman Administratrix.*> James Tooke Merchant Complains of Florentine Bowman widow and Relict and Administratrix of the goods and Chattells of James Bowman late of Pasquotank her late husband Deceased in the Custody of the Marshall etc. For that whereas the said James Tooke the 28th. day of Aprll. 1716 at Pasquotank aforesaid at the Speciall Instance and request of the said James Bowman in his Life time Sold and Deliver'd divers goods wares and Merchandizes to him the said James Bowman to the use and behoof of him the said James Bowman to the Value [*blank*] Pounds Nine shillings and three pence Lawfull money of this Province a Particular Account whereof is filed in Court and herewith produced And the said James Bowman then and there Videlicet the said 28th day of April on himself did Assume and faithfully promise that he would well and truly pay and Content unto the said James Tooke the aforesaid twelve pounds Nine shillings and three pence when thereunto required Nevertheless the said James Bowman notwithstanding his aforesaid promise and Assumption did not pay or Content in his Life time altho' he was then often requested thereunto the aforesaid twelve pounds Nine shillings and three pence to the said James Took nor has the said Florentine at any time Since his Death paid or Contented the said <155> Twelve pound Nine shillings and three pence to the said James as she ought to have Done but Deceiptfully and fraudulently Intending him the said James Tooke in that behalf Craftily and Subtilly to Deceive and Defraud of the aforesaid twelve pounds Nine shillings and three pence she has alwayes hitherto Denyed and Still doth Deny (altho' she has been thereunto often requested Since the Death of him the said James Bowman to pay the Same to him the said James Tooke) Whereupon he Saith he is and has Damage to the Value of twenty Pounds And thereupon this his Suit is Produced etc.

<*Order* v. *Security.*> And the said Defendant being Solemnly Call'd Came not whereupon the Marshall produced Emll. Low Security for the said Defendant as by the bail bond produced here into Court Appeareth. And the Plaintiff was putt to his Choice either to have an Order against the Security with Stay of Execution till the next Court or An Attachment against the Defendants Estate And the Plaintiff aforesaid making Choice of an Order against the Security. Judgement is Therefore granted against the said Emll. Low for the Damage aforesaid with Stay of Execution till the next Court. Whereupon the said Emll. Low pray'd an Attachment against the Estate of the aforesaid Defendant for the Damages and Costs aforesaid so as to Compell her to Appear etc. which is Granted.

A Coppy of A Parragraph of a Letter from Mr. Shelton Secretary to the Lords Proprietors to Christopher Gale Esqr. Chief Justice of North Carolina Dated the 8th Aprill 1716. The new Assistants Mention'd in your Commission for your Ease, that you should not have too great a fatigue, are as two Judges here to Assist the Chief Justice; but you are to give the Rule, and Direct the business. That the Records of the Courts that are under your Care and Jurisdiction the Lords thought proper they should be in your Custody, and Order'd me to Direct that Accordingly.

Adjourn'd to the next Court in Course.

[*Signed:*]
C. Gale Ch. Justice, John Hardy.

[*November 1716*]

[*CCR 103*]

<11> Att a Generall Court of Oyer and Terminer and Generall Goal Delivery held at the House of Wm. Branch in Chowan Precinct the 1st Nover. 1716. Present Christopher Gale Esqr. Cheif Justice, Thos. Harvey, Jno. Hardey Esqr. Assistant.

The Grand Jury are Impannelled and Sworn. Joseph Sanderson Foreman. Rd. Stamp, Rt. Keel, Edwd. Howcott, Na. Averitt, Josa. Porter, Henry Bonner, Thos. Luten Junior, Jno. Marks, Wm. Eggerten, Wm. Bonner, Wm. Russell, Lemll. Taylor, Jno. Jones, Thos. Rogers, Jacb. Blount.

Upon the Petition of Thos. Lee praying that the Main Road from the S W Side of Middle neck Bridge to the S W Side of Fryly's bridge may be his Establish'd bounds to Maintain and keep as a Publick Road at his own Costs And that he be <12> Excus'd from any farther Duty on the Roads. Ordered that it be Granted.

Upon the Petition of the Inhabitants on the South Shore Praying that the Inhabitants from Fryly's bridge to the flatt Swamp may have that part of the Road Assign'd them and that the Inhabitants from the S W Side of Middle neck bridge to Mr. Longs may keep that part of the Road in Repair And that Captain Jno. Worley be Continued Overseer of the Lower District and Mr. Thos. Lee be Overseer of the upper District. Ordered that it be Granted.

Upon the Petition of Jno. Swain Praying that Elizabeth Swain his Sister an Orphane Girle bound by the Precinct Court of Chowan to Jno. Worley Esqr. may in the time of her Service be taught to Read by her said Master. Order'd that she be taught to Read.

Order'd that a Capias go out against Jno. Molton Senior for Contempt in not Appearing as an Evidence in the Case between our Sovereign Lord the King and Bartho. Barrett being twice Summon'd.

<*Worley v. Lee.*> Att this Court Personally before the Justices aforesaid Appear'd Thos. Lee, who to the Presentment Exhibited against him at the Instance of John Worley Esqr. at the Court held the 2d. day of Augst. last Pleaded not Guilty. Therefore Imediately Came a stay thereof and the Jurors of that Jury by the Marshall Impannelled being Call'd (that is to Say) Jams. Williamson, Jno. Wattkins, Thos. Kirk, Chas. Wilkins, Jacb. Lewis, Wm. Fallat, Jams. Ward, Xphr. Dudley, Jno. Ward, Obed. Rich, Thos. Blount, Thos. Betterly Appear'd who to Speak the truth of and upon the premises being Chosen tryed and Sworn And the Letter in the said Presentment mentioned being produced and proved in haec Verba.

July 10th 1716

May it please your Honors

I did not beleive I should have reason so Suddainly to Complain to your Honors that I now find your words true when you told me at your house when I refus'd to act as a Justice, of Peace, that I might lett it alone and be piss'd upon and be D-nd for you would then make Worley a Justice etc.

If I am not piss'd upon by him I think I am as badly used, what thro' his Ignorance and Spight to me I am like to be a great Sufferrer in many particulars

for he takes oppertunity of giving Ill advice to my Servants which I can prove if there be occasion I did believe that Justices were Sworn not to give advice, and to give it to the Prejudice of their Master where no manner of ill image has been offer'd to them makes the Case the more bad.

Upon Complaint made to him for Debts above the Value of twenty shillings, he does not Stick to Intermeddle without Law on <13> his Side; but grants Orders for the Same and Severely reprimands the Constable and Commands him not to give Coppys of the Warrants and Orders he Executes, he Exacts more Fees than the Law allows which is Contrary to the oath; And when goods are taken in Execution and the money tendred he Orders the Officer not to Deliver them but Orders them to be Appraised the Same Day that they are taken Contrary to the Law and makes the Complainer take paper money when the Law Saies the property of the Goods taken in Execution is vested in the Officer for the use of the Complainer.

These matters are not my own Cases, but generally the Same has been Dealt to other of the Neighbours which are ready to be proved when Occasion shall require.

I very lately went my Self to him and Civilly required a Coppy of Orders against me particularly an Account that Fryly had Sworn against me which money has been received by the Justices Orders and which of right belonged to me when Satisfy'd, but instead of his doing his Duty he broke the Peace by kicking me as I went out of his house.

I know that the Law gives me a remedy against Justices and Officers that Exceed their authority but being willing to live peaceably without Contention I make this matter known to your Honors, who has the Power of making these Ignorant and Ill natured Officers, hoping you will remove Such from their Stations, rather than I should be forced to make a Publick Demand of Justice for Satisfaction of so many wrongs received which I am very unwilling should be made Publick believing this method to be more Charitable.

If your Honor has the least Doubt of the truth of these matters laid against the Justice I shall at any time lay before you Sufficient proofs to Convince your Honors and all mankind of the truth of them.

I now give your Honor another Convincing proof of my Desires to live peaceably for altho' I might Justly Expect to be kept free from any trouble of procuring my money Concerning the Horse Since your Honor took the Horse to your Self and paid me, Yet I return your money rather than to Contend against you and to receive further marks of your Displeasure. I am

Your Honors most humble Servant
Thomas Lee

The Jury aforesaid Upon their Oaths Say Wee of <14> the Jury find the Defendant not Guilty.

Ordered that the said Thos. Lee be Dismist without Day.

<*Information* v. *Brown.*> And now here at this day Came the aforesaid Charity Brown and pd. the fine of Five Pounds in Court together with all fees accruing. Wherefore the said Charity Brown is Dismist without Day.

<*Information* v. *Worley.*> And now here at this Day Came aforesaid Worley

And acknowledges that the keeps the said Mary Hawkins as a hierling and no otherwise. The said Worley is Dismist without day.

<*Dominus Rex* v. *Norton.*> John Norton bound to Appear at the Court made his appearance, upon which Mr. Attorney Generall Exhibited the following Indictment to the Grand Jury.

To the Honorable Christopher Gale Esqr. Chief Justice of North Carolina and to his Associates etc.

The Jurors for our Sovereign Lord the King that now is Presents Captain Jno. Norton For that whereas the said Captain John Norton on the 29th day of Septr. 1716, And in the third Year of the Reign of our Sovereign Lord George by the Grace of God King of Great Brittain France and Ireland etc. at Pasquotank in the County of Albemarle in the Province aforesaid did by the shooting off of a Gun Value ten shillings Mortally wound Thomas Johnson One of his Majestyes Leige Subjects of the Province aforesaid whereof he Died the said day and Year aforesaid which is Contrary to the Peace of his said Majestyes Realm and Contrary to the Dignity of his Crown etc.

Danll. Richardson pro Domino Rege.

Which bill being return'd by the Grand Jury Billa Vera Per Infortunium. Uppon this at the Self Same Court before the aforesaid Justices the aforesaid John Norton in Custody of the Marshall to the barr there brought in his proper Person Came and being Asked whether of the Crime aforesaid he was Guilty or not Pleaded Guilty. <*Plea.*>

Whereupon Thos. Boyd and Thos. Swan in behalf of the said John Norton Acknowledged themselves indebted to our Sovereign Lord the King that now is his Heirs and Successors in the Summ of twenty five Pounds each to be Levy'd upon their Severall goods and Chattells Lands and Tenements with Condition.

That if the said John Norton do well behave himself towards his Majesty and all his Leige People for twelve months and a <15> day next Coming then the before Recognizance to be Void otherwise to remain in full force and Vertue.

<*Dominus Rex* v. *Barrett.*> Bartholomew Barrett bound to Appear at this Court made his Appearance, upon which Mr. Attorney Generall Exhibited the following Indictment to the Grand Jury.

The Jurors for our Sovereign Lord the King upon their oaths Do present that Bartholomew Barrett of New England Marriner on the Sixth day of October in the third Year of the Reign of our Sovereign Lord George by the Grace of God of Great Brittain France and Ireland King Defender of the Faith etc. not having the Fear of God before his Eyes but being instigated by the Devil with force and Armes of his Malice forethought upon William Whitehouse late of the Same place and Servant to the said Barrett at Chowan Precinct in the County of Albemarle and Province aforesaid being then and there in the Peace of God and of our Sovereign Lord the King did make an Assault and with Divers blows Kicks and bruises with his hands feet and other weapons, did then and there Voluntarily and feloniously Murder and kill the said William Whitehouse, and then and there mortally, beat bruise and wound the back and Sides of the said William Whitehouse of which wounds and mortall bruises the aforesaid William Whitehouse did languish untill the Evening of the aforesaid Sixth day at which time he

Dyed. And so the Jurors aforesaid Say That the said Bartholomew Barrett on the said Sixth day of October in the Year abovesaid at Chowan aforesaid in manner and form aforesaid of this Malice forethought, Voluntarily and feloniously did mortally beat bruise and wound the aforesaid William Whitehouse, so that of the Same beating bruising and wounding on the Evening of the aforesaid Sixth day of October he dyed, against the Peace of our Sovereign Lord the King his Crown and Dignity etc.

Danll. Richardson pro Domino Rege.

Which bill of Indictment being Return'd by the Grand Jury Ignoramus. And the Attorney being present here in Court and having nothing further wherewith to Charge the Said Bartholomew Barrett. The said Bartholomew Barrett was Discharg'd by Proclamation according to Law.

<*Adjourn'd to the Court in Course.*>

[*March 1717*]

[*CCR 105*]

<157> At a Generall Court of Oyer and Terminer And Generall Coal Delivery held at the Court House at Queen Ann's Creek the 26th. day of March 1717 And Continued to the 27th. of the Same. Present Christopher Gale Esqr. Ch. Justice. Thos. Harvey, Jno. Harding, Jno. Worley Esqrs. Assistants.

The Court being open'd Adjourn'd till 10 a Clock to the House of Wm. Branch. The Court met as per Adjournment present ut Supra. And Captain Jno. Worley took and Subscrib'd the Severall oaths by Law appointed for his Qualifycation and his place in the Court.

Thos. Henman by Vertue of a Licence from the Honorable the Governor is admitted an Attorney of this Court and took and Subscrib'd the Severall Oaths by Law required.

The last Will and Testament of Jams. Blount is prov'd by the oath of Jno. Yelverton.

The last Will and Testament of Jno. Hawkins is prov'd by the Oath of Jno. Hardy.

Orderd that it be a Rule of this Court that in Case of the Absence of the Ch. Justice at any time the Clerk may Signe Process as hath been formerly Accustomed.

Adjourn'd.

<*Porter Executor* v. *Phelps. Discontinued.*> And now here at this Day the aforesaid Plaintiff being Solemnly required Came not neither prosecuted their Writt aforesaid.

Therefore It is Consider'd and Ordered that the said Plaintiff may be from hence in mercy, And the said Defendant may Go without Day, And that the said Plaintiff Pay Costs Alias Execution.

<158> <*Boyd* v. *Fisher. Abated.*> And now here at this day the aforesaid Defendant prayes Judgement of the Writt aforesaid because he Says that Since the last Continuance of the aforesaid Action the Plaintiff aforesaid is Dead att

Little River in the County of Albemarle, and this he is ready to aver and prays Judgement of the Writt aforesaid, which being understood by the Justices of the said Court it Appears to them that the said Plea is Sufficient in the Law to abate the said Writt And therefore it is Consider'd by the Court that the said Writt Do Abate.

<*Low* v. *Solley.*> And now here at this day Came the aforesaid Plaintiff by Edwd. Moseley his Attorney and the said Defendant being Solemnly Call'd Came not neither exhibited to this Court his Account Adjusted and Settled by the Auditors appointed by this Court to take Examine and Adjust the Same.

It is therefore Order'd by the Court here that the Provost Marshall or Deputy Do take the body of the said Defendant and him in Safe Custody hold so as that he have him before us at the next Generall Court to be holden the last Tuesday in July next then and there to Account.

<*Keaton* v. *Williams.*> And now here at this day the aforesaid Plaintiff being Solemnly required Came not neither presented his Writt aforesaid. Therefore It is Consider'd and Order'd that the said Defendant may be from hence in mercy and that the said Plaintiff may go without day and that the said Plaintiff pay Costs Alias Execution.

<*Wentworth and Company* v. *Wells. Judgement Confess'd.*> And now here at this day Came the aforesaid Plaintiff by Edwd. Moseley his Attorney And the aforesaid Defendant Comes and Defends the force and Injury when etc. and Saith nothing in barr or avoidance of the Action of the aforesaid Plaintiff by which the aforesaid Plaintiff against the said Defendant remain undefended.

Therefore It is Consider'd that the aforesaid Plaintiff shall recover against the said Defendant the aforesaid Summ of Twelve Pounds Sterling money of England with Costs of Suit Alias Execution.

<*Calf* v. *Keef. Cont.*> And now here at this Court Came the aforesaid Plaintiff by his Attorney And the aforesaid Defendant in proper Person And hereupon by the Consent of both Partys the Cause is put in Respite untill the next Court the last Tuesday in July next.

<*Took* v. *Pettiver. Cont.*> And hereupon the Court Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneys, And hereupon by the Consent of both partys the Cause is putt in Respite untill the next Court the last Tuesday in July next.

<*Took* v. *Bowman.*> And now here at this Court Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneys, And hereupon by the Consent of both partys the Cause is putt in Respite untill the next Court the last Tuesday in July next.

<*Mcfarlan* v. *Allen. Cont.*> And now here at this Court Came the aforesaid Plaintiff and the aforesaid Defendant by their Attorneys And hereupon by the Consent of both partys the Cause is putt in Respite untill the next Court the last Tuesday in July next.

<159> <*Luten* v. *Champion. Ejectment.*> Orlando Champion of Chowan Precinct Planter was Attach'd to Answer Constance Luten of the Same Precinct Gentleman Wherefore by force of Armes, One messuage, One Gardain, One Orchard, Four hundred Acres of Land etc. in Chowan Precinct which the Same

Constance holdeth for the Term which is not yet past of the Demise of Thomas Luten Gentleman did Enter and him the said Constance Luten from his farm aforesaid did Eject and other harmes to him he did to the great Damage of him the said Constance and against the Peace of our Lord the King that now is etc.

And whereupon the said Constance by Edwd. Moseley his Attorney Complains that whereas the aforesaid Thomas Luten Gentleman the first day of July Anno 1714 at Chowan Precinct aforesaid did Demise to him the said Constance the Messuage aforesaid with the Appurtenances lying neer Sandy Point in Chowan Precinct and adjoyning to the Land of Mr. Jno. Blount To have and to Occupy to him and his Assignes from the said first day of July unto the End and Term of Seven whole Years hence next following and fully to be Compleat and Ended By Vertue of which Demise the aforesaid Constance Luten into the Messuage aforesaid with the Appurtenances did Enter and was thereof Possessed And the said Constance so being thereof Possessed the aforesaid Orlando Champion afterwards, to witt the tenth day of July 1714 by force and Armes etc. the Messuage aforesaid with the Appurtenances which the aforesaid Thomas Luten to him the said Constance Luten in form aforesaid Demised for the Term aforesaid which is not yett past Did Enter, and him from his Farm aforesaid did Cast out, and other harms etc. to the Great Damage of him the said Constance and against the Peace of our Sovereign Lord the King that Now is etc. Whereupon the said Constance saith that he is Damnify'd and hath Damage to the Value of One hundred Pounds and thereupon he brings this Suit etc.

Unless the Tennant in Possession, or they under whom he Claims Do next Generall Court to be held for this Government in the month of March next Appear to this Declaration and make him or themselves Defendant thereunto and by Rule of Court, Confess the Lease, Entry and Ejectment and insist only upon the Title the Defendant in this Declaration will Confess Judgement and Possession will be Delivered accordingly to the Plaintiff and you turn'd out of Possession.

To Charles Eden Esqr. Tennant in Possession of the premises within mentioned.

Orlando Champion.

North Carolina

May it please your Honors Whereas by the Law of England all Officers of the Court of Chancery if Sued in any other Court in any Common Plea (Fellony and Appeal only Excepted) have Priviledge by writt or pleading their Priviledge to have their Suit Stopt and Cease in that Court.

And being an Officer in the Court of Chancery and Appearing here as Defendant in a Feigned Plea of Trespass and Ejectment brought by one Constance against one Orlando Champion Concerning my Messuage, Gardain, Orchard and Four hundred Acres of Land Lying neer Sandy Point adjoyning to the Land belonging to Mr. Jno. Blount in Chowan Precinct of which Messuage and Cost I am Possessor as Lessor to the Tennant in Possession of the Premises. Wherefore I humbly pray that I may have <160> my Priviledge allow'd me according to Law.

Thos. Pollock

Reasons offer'd by Edwd. Moseley Attorney of Constance Luten against the allowance of the Priviledge pretended to be Pleaded by Thos. Pollock.

<1.> It doth not Appear by the Suit, that the said Thos. Pollock is Defendant And before that Appears, he ought not to Enter any Plea.

<2.> The said Plaintiff Conceives that Such Plea of Priviledge doth not Extend to the Plantations, because Provision has been made by Law to leave Declarations with members of the Councill and Court of Chancery And the Practice has always ran so as may be Seen by the Presidents [*sic*].

<3.> This Defendant Supposeth that as being a Member of Councill and under no necessity of Attendance in Chancery the said Thos. Pollock is not Intituled to Priviledge.

<4.> Admitting that Such Priviledge Do Extend, this Defendant Conceives that no Priviledge ought to be allow'd without Suing out a writt of Priviledge which Comes from the Chancery.

<5.> In Actions of Ejectment which are fictitiously begun, it should at any time be in the power of the Defendant to remove Such Actions into the Chancery because it is very easy to Entitle any Member of that Court to be a Party.

<6.> In this Action of Ejectment the Plea may go on without the said Thos. Pollock's Attendance or being any ways a Party because any Person may be Defendant and Claim under the title of the said Thos. Pollock as in the Case of the Plaintiff who claims under another title, And upon the Tryall of the Cause, the Titles of the two from whom the Plaintiff and Defendant Claims are Insisted on.

<7.> This Case of Thos. Pollock is only Intended to Cause Delays in the Suit because should this Action have been begun in the Chancery as he would Insisted at, Yet still it must be tryed there Secundum Legem and Consuetudinem Anglice and not Secundum Aequum et bonum and upon any Error Comitted therein they might be Reversed here.

For which reasons the Plaintiff prayeth that unless Some Person do Appear and Plead and Confess Lease Entry and Ouster and insist only on the title, he may have Judgement for Default and a Writt of Habere facias Possessionem Granted.

Edwd. Moseley for the Plaintiff

And because the Court here of giving their Judgement is not fully advised, Day is given to the partys aforesaid untill the next Court the last Tuesday in July next for further Arguing of and upon the premises, And to hear the Judgement of the Court of and upon the Premises because the Court of our Sovereign Lord the King here, thereof is not yet Advised etc.

<*Pettiver* v. *Jackson.*> John Pettiver of Pequimans Precinct Merchant is Plaintiff and Edward Jackson of the Same Precinct Millwright is Defendant of a Plea of Debt.

And the said Plaintiff by Edwd. Moseley his Attorney Demands of the Defendant that he do render unto him the Summ of One hundred and Fourty Pounds Sterling money of Great Brittain which to the Plaintiff he oweth and from him unjustly Detaineth For that whereas the said Defendant the 13 day of Janry. 1715/6 by a Certain writing obligatory under the hand and Seal of the Defendant whose date is the Same Day and Year and which the Plaintiff brings here into Court became Indebted to the Plaintiff in the aforesaid Summ of One hundred and Forty Pounds Sterling to be paid to the said Plaintiff when he the said Defen-

dant should be thereunto requested, Yet the said Defendant the aforesaid Summ of One hundred and Fourty Pounds Sterling to the Plaintiff hath not paid but the Same to pay hath and doth Still refuse and Deny to the Plaintiffs Damage One hundred and Fifty <161> Pounds Sterling And thereupon he brings this Suit etc.

<*Cont.*> And the said Defendant being Solemnly Call'd Came And hereupon by the Consent of both partys the Cause is putt in Respite untill the next Court the last Tuesday in July next.

<*Edmundson* v. *Wattson.*> John Wattson of Chowan Precinct Planter was Attach'd to Answer unto Joseph Edmundson for Plea that he Render unto him twenty One Pounds Sterling money of England which to him he owes and from him unjustly Detains etc.

And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that whereas he the said Defendant at Chowan aforesaid the 25th day of March 1715 by his Certain bill or writing obligatory under his hand did oblige himself his Heirs etc. to Pay to the said Plaintiff the Summ of twenty One Pounds Sterling money of England when he should be thereunto required after the 25 of December next Ensuing the Date thereof as in and by the said Bill here into Court brought doth Appear Nevertheless the said Defendant the aforesaid Summ of £21 Sterling money unto the said Plaintiff hath [*not*] yet paid nor Contented but the Same to render and Pay hath Deny'd and Still doth Deny and refuse altho' he hath been often thereunto requested to the Damage of the Plaintiff Fourty Pounds And therefore this his Suit is produced etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not neither did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he ought to have Done. Wherefore the said Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Exicution untill the next Court or an Attachment against the Defendants Estate.

And the said Plaintiff making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Court to Answer to the aforesaid Plaintiff otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall Pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid which is Granted.

<*Hallsey* v. *Macktosh.*> Daniel Hallsey of Chowan Precinct Planter is Plaintiff and John Macktosh of the Same Precinct is Defendant of a Plea of Debt etc.

And the said Plaintiff in his proper Person Demands of the Defendant that he do render unto him the Summ of Five Pounds Sterling money of England which to the Plaintiff he oweth and from him unjustly Detaineth. For that whereas the said Defendant the 19th. day of May 1716 by his Certain bill Sign'd by the said Defendant whose date is the Same day and Year and which bill if fil'd in the Office of this Court became Indebted to the Plaintiff in the Said Summ of £5 Sterling to be paid to the Plaintiff when he the said Defendant should be thereunto requested, Yet the said Defendant the said Summ of £5 to the Plaintiff hath

not paid, but the Same to Pay hath and Doth Still refuse tho' often thereunto requested, Whereupon the Plaintiff Sayeth he is Damnify'd Ten Pounds And thereupon he brings this Suit etc.

<*Non Est Inventus.*> And John Nairn Deputy Marshall to John Hacklefield Esqr. Provost Marshall of the County of Albemarle having made Returne thereof Non est Inventus. And the Defendant being Solemnly Call'd Came not.

Therefore it is Granted that the Marshall do Attach the Goods and Chattells of the Defendant so as to Compell him to Appear at the next Court and Answer the Plaintiff aforesaid.

<*Goreham* v. *Mackintosh.*> John Goreham of Chowan Precinct Planter is Plaintiff and John Mackintosh of the Same Precinct is Defendant of a Plea of Debt etc.

And the said Plaintiff in his proper Person Demands of the Defendant that he do render unto him the Summ of Five Pounds Sterling money of Great Brittain which to the Plaintiff <162> he oweth and from him unjustly Detaineth. For that whereas the said Defendant the 10 day of Novr. 1716 by his Certain bill Sign'd by the said Defendant became Indebted to the Plaintiff in the said Summ of Five Pounds Sterling to be paid to the said Plaintiff when he the said Defendant should be thereunto requested, Yet the said Defendant the said Summ of Five Pounds to the Plaintiff hath not paid but the Same to Pay hath and doth Still refuse tho' often thereunto requested whereupon the Plaintiff Saith he is Damnify'd Ten Pounds and thereupon he brings this Suit etc.

<*Non Est Inventus.*> And John Nairn Deputy Marshall to John Hacklefield Esqr. Provost Marshall of Albemarle County having made Returne thereof Non est Inventus; And the Defendant being Solemnly Call'd Came not.

Therefore It is Granted that the Marshall Do Attach the Goods and Chattells of the Defendant so as to Compell him to Appear at the next Court and Answer the Plaintiff aforesaid.

<*Yeats* v. *Mackintosh.*> Thomas Yeats of Chowan Precinct Planter is Plaintiff and John Mackintosh of the Same Precinct is Defendant of a Plea of Debt etc.

And the said Plaintiff by Edwd. Moseley his Attorney Demands of the Defendant that he do render unto him Two Cowes and Calves or in Lieu thereof Eight pounds Sterling money of Great Brittain which to the Plaintiff he oweth and from him unjustly Detaineth etc. For that whereas the said Defendant the 28 day of Decr. 1716 by his Certain bill Sign'd by the said Defendant became indebted to the Plaintiff in the said Summ of two Cowes and Calves or Eight Pounds Sterling money of Great Brittain to be paid to the said Plaintiff on the first day of May next Ensuing the date thereof as by the said bill here into Court brought doth Appear Yet the said Defendant the said two Cowes and Calves or £8 Sterling doth deny and refuse to pay the Same Whereupon the Plaintiff Saith he is Damnify'd Sixteen Pounds and thereupon he brings this Suit etc.

<*Non Est Inventus.*> And John Nairn Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall of Albemarle County Having made Return thereof Non est Inventus and the Defendant being Solemnly Call'd Came not.

Therefore It is Granted that the Marshall do Attach the goods and Chattells of the Defendant so as to Compell him to Appear at the next Court and Answer the Plaintiff aforesaid.

<*Jeacucks* v. *Relf.*> Johnathan Jeacucks of the Precinct of Pasquotank Merchant is Plaintiff and Wm. Relf the younger of the Same Precinct Merchant is Defendant of a Plea of Debt etc.

And the said Plaintiff by Edwd. Moseley his Attorney Demands of the Defendant that he do render unto him the Summ of two pounds Nine shillings and Six pence Sterling money of Great Brittain which to the Plaintiff he oweth and from him unjustly Detaineth. For that whereas the said Defendant on the 28th. day of Aprll. 1716 by his Certain bill Sign'd by the said Defendant whose Date is the Same day and Year and which bill is fild in the Office of this Court became indebted to the said Plaintiff in the said Summ of £2 9*s*. 6*d*. Sterling to be paid to the said Plaintiff when he the said Defendant should be thereunto requested Yet the said Defendant the said Sum of £2 9*s*. 6*d*. to the Plaintiff hath not paid, but the Same to pay hath and doth still refuse tho' often thereunto requested. Whereupon the Plaintiff Saith he is Damnify'd Five Pounds and thereupon he brings this Suit etc.

<*Judgement Confess'd.*> And the aforesaid Defendant by Thos. Swann his Attorney Comes and Defends the force and Injury when etc. and Saith nothing in barr or avoidance of the aforesaid Action of the aforesaid Plaintiff by which the said Plaintiff against the said defendant should remain undefended. <163> Therfore It is Consider'd that the aforesaid Plaintiff shall recover against the said Defendant the aforesaid Summ of two pounds nine shillings and Six Pence Sterling with Costs of Suit Alias Execution.

<*Jeacucks* v. *Smith.*> Jonathan [*blank*] of the Precinct of Pasquotank Merchant is Plaintiff and Wm. Smith of the Same Precinct Shipwright is Defendant in a Plea of Debt etc.

And the said Plaintiff by Edwd. Moseley his Attorney Demands of the Defendant that he do render unto him the Summ of ten pounds Six shillings and Eight pence Sterling money of Great Brittain which to the Plaintiff he oweth and from him unjustly Detaineth. For that whereas the said Defendant on the 28th. day of Apl. 1716 by his Certain bill Sign'd by the said Defendant whose date is the Same day and Year and which bill is fil'd in the Office of this Court became indebted to the said Plaintiff in the said Summ of £10 6*s*. 8*d*. Sterling to be paid to the said Plaintiff when he the said Defendant should be thereunto requested Yet the said Defendant the said Summ of 10. 6. 8 to the Plaintiff hath not paid but the Same to pay hath and doth Still refuse tho' often thereunto requested Whereupon the Plaintiff Saith he is Damnify'd twenty Pounds And thereupon he brings this Suite etc.

<*Judgement Confesst.*> And the aforesaid Defendant by Thos. Swann his Attorney Comes and Defends the force and injury when etc. and Saith nothing in barr or avoidance of the aforesaid Action of the aforesaid Plaintiff by which the said Plaintiff against the said Defendant Should remain undefended.

Therefore It is Consider'd that the aforesaid Plaintiff shall recover against the said Defendant the aforesaid Summ of Ten pounds Six shillings and Eight pence Sterling with Costs Alias Execution.

<*Jeacucks* v. *Relf and Smith.*> William Relf the younger of the Precinct of Pasquotank Merchant and William Smith of the Same Precinct Shipwright were Attach'd to answer Jonathan Jeacucks of the Same Precinct Merchant of a Plea

that they render unto him his reasonable Account of the time that they were the receivers of the money of him the said Jonathan.

And whereupon the said Jonathan by Edwd. Moseley his Attorney Complains that whereas the aforesaid Wm. Relf and Wm. Smith were Receivers of the moneys of the said Jonathan from the 28th. day of Aprll. last past untill the 30th. day of September following; and by the Same time had receiv'd of the moneys of him the said Jonathan by the hands of Wm. Smith Marriner Master of the Sloop Virgin Twenty Barrells of Pork to Merchandize and make the Profitt thereof for him the said Jonathan and to render a reasonable Account to the said Jonathan of the time, Issues, Profitts, and money aforesaid; when he should be thereunto required. Yet the said Wm. Relf and Wm. Smith altho' often required hath not yet rendred their reasonable Account aforesaid to the said Jonathan but hitherto have Deny'd to render unto him the Same and yet do Deny. Whereupon he Saith he is Damnify'd One hundred Pounds and thereupon he brings this Suit etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make returne of bond or Security taken for the said Defendants Appearance as by Law he ought to have done. Wherefore the Plaintiff was put to his Choice either to have an Order Against the Marshall with Stay of Execution till Next Court, or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to Answer to the aforesaid Plaintiff Otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debts with Costs. <164> Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debts and Costs aforesaid so as to Compell him to Appear etc. which is Granted.

<*Newman* v. *Pike.*> Samuel Pike of Pasquotank Precinct was Attach'd to Answer unto John Newman Junior of Glocester in New England Merchant of a Plea of Debt etc.

And whereupon the Plaintiff by Edwd. Moseley his Attorney Complains that whereas he the said Defendant at Pasquotank aforesaid the 25 day of Aprll. 1713 by his Certain bill or writing obligatory under his hand and Seal did oblige himself his Heirs etc. to pay to the said Plaintiff the Summ of Four Pounds in Indian Corn or Some other passable Comodity of the Country when he should be thereunto required as by the said Bill here into Court brought doth Appear Nevertheless the said Defendant the aforesaid Summ of Four pounds unto the Plaintiff hath not yet paid nor Contented but the Same to render and pay hath gainsay'd and Still doth gainsay and refuse altho' he hath been often thereunto requested to the Damage of the Plaintiff Eight pounds and therefore this his Suit is produced etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he ought to have done Wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till next Court or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body

of the said Defendant at the next Generall Court to answer to the aforesaid Plaintiff Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which is granted.

<*Newman* v. *Pike.*> Samuel Pike of Pasquotank Precinct was Attach'd to Answer unto John Newman Junior of Glocester in New England Merchant of a Plea of Debt etc.

And whereupon the Plaintiff by Edwd. Moseley his Attorney Complains that whereas the Defendant Standeth Justly Indebted unto him in the full and just Summ of Five Pounds Seventeen shillings and two pence Current money of this Country for Sundry goods left with him the said Pike as in and by an Account under his own hand here into Court brought and ready to be produced doth Appear Nevertheless the Defendant the aforesaid Summ hath not yet paid altho' he hath been often thereunto requested but the Same to Pay doth neglect and refuse to the Plaintiff Damage Eleven pounds fourteen shillings and four pence and therefore this his Suit is produced etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not, nor did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he ought to have done. Wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till next Court, or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to answer to the aforesaid Plaintiff otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which is Granted.

<165> <*Moseley Assignee* v. *Clark.*> John Clark of the County of Bath was Attach'd to answer unto Edwd. Moseley Assignee of Jacob Vernam of a Plea of Debt etc.

And whereupon the said Plaintiff in his proper Person Complains that whereas the said Defendant the 22d. day of Febry. 1714 by his Certain bill obligatory under the proper hand of the said Defendant became Indebted unto the said Plaintiff in the Summ of Four Barrells of Pitch to be paid upon Demand as by the said Bill here into Court brought may appear whose date is the day and Year abovesaid Yet nevertheless the aforesaid Defendant the aforesaid Summ of Four Barrells of Pitch unto the said Plaintiff Qualify'd as aforesaid hath he paid the Same, but the Same to Render hath Deny'd and refus'd and Still doth Deny and refuse to the Damage of the said Plaintiff Eight Pounds and therefore he brings this Suit etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he ought to have Done. Wherefore the Plaintiff

was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Order'd that the Provost Marshall of Bath County have the body of the said Defendant at the next Generall Court to answer to the aforesaid Plaintiff otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Wherefore the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debts and Costs aforesaid so as to Compell him to Appeare etc. Which is Granted.

<*Chase* v. *Rich.*> Obediah Rich Late of Currotuck Precinct in the Province aforesaid was Attach'd to Answer unto Joseph Chase of Hampton in the Province of New Hampton in New England of a Plea that he do render unto him the Summ of Fourteen pound Eleven shillings and Five pence which to him he owes and from him unjustly Detains etc.

And whereupon the Same Joseph by Thos. Swann his Attorney Complaines that he the said Obediah Rich by his Certain writing obligatory under this proper hand and Seal dated the third day of May 1703 did bind and oblige himself his Heirs Executors Administrators to pay to the said Joseph his Heirs, Executors, Administrators or Assignes for a Valuable Consideration by the said Obediah Rich in hand already receiv'd the Summ of Fourteen Pounds Eleven shillings and five Pence Sterling (that is to Say) in Merchantable Porke Tobacco in Cask Hides or Tallow and to deliver the Same at the said Joseph's Store house in Currytuck at any time when he should be thereunto required as in and by the Same writing Sign'd and Seal'd aforesaid here in Court produced it Doth and may more fully and at Large Appear Yet nevertheless the said Obediah Rich his obligation not regarding the said Summ of Fourteen pound Eleven shillings and Five Pence as aforesaid unto the said Joseph hath not rendred and paid but the Same to render and pay hath Deny'd and Still doth Deny and refuse tho' often thereunto requested to the Damage of the said Joseph Twenty Pounds Sterling money and thereof this his Suit is produced etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he ought to have done. Wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till next Court, Or [an] Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall It is <166> therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to Answer to the aforesaid Plaintiff otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<*Blysh* v. *Rich.*> Obediah Rich of the Precinct of Pasquotank in Albemarle County in the Province aforesaid was Attach'd to Answer unto Joseph Sparnon

Tobias Knights Esqr. Samll. Bernard Attorneys of Mr. Jno. Blish of Boston in New England Merchant of a Plea that he do render unto them the Summ of Nine Pounds twelve shillings and Eleven pence which to them he owes and from them unjustly Detains etc.

And whereupon the Plaintiff by Thos. Swann their Attorney Complains that he the said Obediah by one Certain Instrument of writing obligatory under his hand bearing Date the 24 day of July 1716 did acknowledge to owe and Stand justly Indebted and then did oblige himself his Executors Administrators to pay unto the said John the Summ of Nine pounds twelve shillings and Eleven pence (that is to Say) Seven pounds thereof to be paid in paper money of North Carolina two months after Date and two Pounds twelve shillings and Eleven pence Sterling money of Great Brittain as by the said Writing relation being thereunto had it doth and may more fully and at Large Appear, Yet nevertheless the said Obediah the aforesaid Summ of Nine pounds twelve shillings and Eleven pence in the Species aforesaid hath not rendred to the said John but the Same to Render doth as yett Gainsay to the Damage of the said John Ten pounds Sterling and thereupon he brings this Suit and prays Judgement etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not, nor did the Marshall make return of bond or Security for the said Defendants appearance as by Law he ought to have done. Wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to answer to the aforesaid Plaintiff otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<*Colles* v. *Rich.*> Obediah Rich of the Precinct of Pasquotank in Albemarle in the Province aforesaid was Attach'd to Answer unto Thos. Colles of the County and Province aforesaid in a Plea upon the Case etc.

And whereupon the Same Thos. Colles by Thos. Swann his Attorney Complains that he the Defendant Stands justly Indebted to the Plaintiff for divers goods wares and Merchandizes had and receiv'd of the Plaintiff to the Value of thirty Six pounds five shillings and Six pence an Account of which is fil'd in the Office of this Court and bearing date the 2d. day of August 1716 and ready to be produced in Court, Yet nevertheless the Defendant the aforesaid Summ of thirty Six pounds Five shillings and Six pence due to the Plaintiff as aforesaid hath not rendered and paid, but the Same to render and pay doth as yet refuse and Deny tho' often thereunto requested Whereupon the Plaintiff brings this Suite and prays Judgment etc.

<*Order* v. *Marshall.*> And the Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he <167> ought to have done, Wherefore the Plaintiff

was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to answer to the aforesaid Plaintiff Otherwise Judgement against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<*Reed* v. *Barbor.*> John Barbor of Currytuck Precinct was Attach'd to Answer unto William Reed Esqr. of a Plea of Debt upon an Account ad Damnum Fourteen Pounds.

And the said Plaintiff being Solemnly Call'd Came not neither filed any Declaration. Therefore It is Consider'd and Ordered that the said Plaintiff may be from hence in mercy and the said Defendant may go without day and that the said Plaintiff pay Costs alias Execution.

<*Wentworth etc.* v. *Hobbs.*> John Hobbs Late of Currytuck in the Province aforesaid was Attach'd to answer unto Samuel Wentworth Joseph Chase and John Webster Company of Merchants in Boston in New England of a Plea that he do render to them the Summ of Four Pounds three shillings and Eleven pence which to them he owes and from them unjustly Detains etc.

And whereupon the said Plaintiffs by Thos. Swann their Attorney Complaines that the said John by his Certain writing obligatory under his proper hand and Seal dated the 18th. day of Aprll. 1713 in the twelfth year of her Majesties Reigne did bind and Oblige himself his Heirs Executors Administrators to pay unto the said Plaintiffs or either of them or either of theirs Executors, Administrators, or Assignes (for a valuable Consideration by the said John already in hand receiv'd) the Summ of £4 3*s.* 11*d.* Sterling (that is to Say) in Merchantable Pork Tobacco in Cask hides or Tallow and to Deliver the Same at the Plaintiff's Store house in Currytuck in the Province aforesaid at any time when he should be thereunto required as in and by the Same writing Sign'd and Seald as aforesaid here in Court produced It doth and may more fully and at large Appear Yet nevertheless the said John his obligation not reguarding the Summ of £4 3*s.* 11*d.* aforesaid unto the said Plaintiffs hath not rendered and paid But the Same to render and pay hath Deny'd and Still doth Deny and refuse tho' often thereunto requested to the Damage of the said Plaintiff £8 Sterling money and thereof this their Suit is Produced etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he ought to have Done Wherefore the Plaintiffs was putt to their Choice either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendants Estate.

And the Plaintiffs aforesaid making Choice of an Order against the Marshall It is therefore Ordered that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to Answer the aforesaid

Plaintiff Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<168> <*Chase etc.* v. *Overington.*> Richard Overington late of the Precinct of Currytuck in the Province aforesaid was Attach'd to answer unto Josph. Chase Samll. Wentworth Ebenezer Wentworth of Boston in New England Merchants of a Plea that he do render to them the Summ of Six pounds Five shillings and nine pence which to them he owes and from them unjustly Detains etc.

And whereupon the said Plaintiff by Thos. Swann their Attorney Complains that he the said Richard by his Certain writing obligatory under his proper hand and Seal and dated the 24 Janry. 1705/6 in the fourth Year of her Majesties Reigne did bind and oblige himself his Heirs Executors Administrators to pay to the said Plaintiffs or either of them or either of their Heirs Executors Administrators or Assignes (for a Valuable Consideration by the said Richard already in hand receiv'd) the Summ of Six pounds five shillings and Nine pence Sterling (that is to Say) in Merchantable Pork Tobacco in Cask, Hides or Tallow and to Deliver the Same at the Plaintiffs Store house in Currytuck in the Province aforesaid at any time when he should be thereunto required as in and by the Same writing Sign'd and Seal'd as aforesaid here in Court produced It doth and may more fully and at large Appear Yet nevertheless the said Richard his obligation not regarding the said Sum of £6 9*s.* 9*d.* as aforesaid unto the said Plaintiff hath not rendered and paid but the Same to render and pay hath Denyed and Still doth Deny and refuse tho' often thereunto requested to the Damage of the said Plaintiffs Tenn pounds Sterling money and thereof this their Suit is produced etc.

<*Order* v. *Joy Security.*> And the said Defendant being Solemnly Call'd Came not Whereupon the Marshall produced Wm. Joy Security for the said Defendant as by the bail bond produced here into Court Appeareth. And the Plaintiff was putt to his Choice either to have an Order against the Security with Stay of Execution till the next Court Or an Attachment against the Defendants Estate And the Plaintiff aforesaid making Choice of an Order against the Security.

Judgement is therefore Granted against the said Wm. Joy for the Damages aforesaid with Stay of Execution till the next Court. Whereupon the said Wm. Joy pray'd an Attachment against the Estate of the aforesaid Defendant for the Damages and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<*Boy* v. *Russell. Discontinued.*> Edward Russell was Attach'd to Answer the Suit of Collonel Thomas Boyd of a Plea of the Case ad Damnum Twenty two Pound Sterling.

And the said Plaintiff being Solemnly Call'd Came not neither filed any Declaration. Therefore It is Consider'd and Order'd that the said Plaintiff may be from hence in mercy, And the said Defendant may go without day and that the said Plaintiff pay Costs alias Execution.

<*Boyd* v. *Whedbee. Discontinued.*> John Whedbee was Attach'd to Answer the Suit of Collonel Thomas Boyd of a Plea of Debt ad Damnum Twenty Pounds.

And the said Plaintiff being Solemnly Call'd Came not neither filed any Declaration. Therefore It is Granted and Ordered that the said Plaintiff may be from hence in mercy, And the said Defendant may go without and that the said Plaintiff pay Costs Alias Execution.

<*Boyd* v. *Whedbee. Discontinued.* > John Whedbee was Attach'd to Answer the Suit of Collonel Thomas Boyd of a Plea of the Case ad Damnum five Pounds.

And the said Plaintiff being Solemnly Call'd came not neither filed any Declaration. Therefore It is Considered and Ordered that the said Plaintiff may be from hence in mercy, and the said Defendant may go without day and that the said Pay Costs Alias Execution.

<169> <*Robinson* v. *Ramsbottom.* > John Robinson of Pasquotank Precinct is Plaintiff and Miles Ramsbottom Marriner is Defendant in a Plea of the Case etc.

And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Plaintiff at Pasquotank the 9th. day of March 1715/16 Shipped on board the Sloop Jane and Mary bound for Bermuda the said Defendant being Master, Eighty Bushells of Indian Corn the said Defendant in Consideration of the Summ of Sixteen pence per bushell freight to be allow'd for the said Corn did Assume upon himself and to the Plaintiff then and there promised, that the aforesaid Eighty bushells of Indian Corn he would Deliver in Bermuda for the use and profitt of the Plaintiff Nevertheless the said Defendant his promise and Assumption aforesaid not regarding the said Eighty bushells of Corn in Bermuda aforesaid hath not Delivered to the use and Profitt of the said Plaintiff but the Same to Deliver hath and doth Still refuse Whereupon the Plaintiff Saith he is Damnify'd Fifteen Pounds And thereupon he brings this Suit etc.

<*Order* v. *Marshall.* > And the said Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond or Security taken for the said Defendants Appearance as by Law he ought to have Done Wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendants Estate.

And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Ordered that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Generall Court to Answer to the aforesaid Plaintiff Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<*Gibson* v. *Capps.* > Henry Gibson Comes to prosecute his Appeal of Errors to Reverse a Judgement pass'd in the Precinct Court of Currytuck the 8th. day of Janry. 1716/7. Against him the said Henry at the Suit of William Capps in a Plea of Debt.

And the said Henry by Thos. Swann his Attorney produceth here into Court the record of the Proceedings of the Court of Currytuck upon a Plea of Debt Commenc'd by the said William against the said Henry (in Haec Verba).

Currytuck Ss.

Att a Court held for the Precinct of Currytuck the 10th. day of July Anno Domini 1716 etc. Present the Justices. Collonel Wm. Reed, Mr. Wm. Swann, Mr. Thos. Vandermulen, Mr. Thos. Taylor, Mr. Wm. Nichollson, Mr. Wm. Bell, Mr. Thos. Williams.

Wm. Capps. Plaintiff against Henry Gibson Defendant in Action of Debt for the just Summ of 2017 pounds of Tobacco payable Convenient in Lynhaven in Virginia and the Action being and Call'd and the Defendant Appearing by Thos. Swann his Attorney etc. and pray a Generall Imparlance till the next Court. Order'd that the said Action be accordingly Imparl'd till the next Court and that the said Henry Gibson give Speciall Security to Stand and Abide the award of the said Court etc.

Vera Copia Testis Jo. wicker Clericus Curiae

Att a Court held for the Precinct of Currytuck the 9th. 8ber Anno 1716. Present the Justices. Collonel Wm. Reed, Mr. Wm. Swann, Mr. Thos. Vandermulin, Mr. Thos. Tayler.

<170> Whereas Wm. Capps Plaintiff against Henry Gibson Defendant to July Court last past for the just Summ of 2017 pounds Tobacco payable Convenient in Lynhaven River in the Collony of Virginia and the Defendant by Thos. Swann his Attorney pray'd a Generall Imparlance till this Court for Tryall of the said Action whereupon the said Henry with Mr. Jos. Sanderson became bound in the Summ of £20 and to Stand and abide the Judgement of the said Court etc. but the said Henry having fail'd to Defend the said Suit in his own proper Person or any Attorney for him whereupon Judgement being likely to pass against the said Sanderson Security as aforesaid therefore the said Sanderson desires an Hours time to Consider thereof and to Defend himself and to bring the Action to a Determination etc. being Granted him by the Court and being accordingly call'd again and the Defendant by Thos. Swann his Attorney Came and Defends the force and Injury when etc. And for Plea Saith that there is no Such Record in the County of Princes Ann in the Dominion of Virginia and this he is ready to Verify and thereupon he prays Judgement of the Plaintiffs Action aforesaid.

Swann for the Plaintiff

And the Plaintiff rests on the Judgement of the Court likewise.

Wm. Capps Plaintiff

Wherefore It is Order'd that the Plaintiff have till the next Court to Manifest the Aforesaid Record etc.

Vera Copia Testis Jo. Wicker Clericus Curiae

Att a Court held for the Precinct of Currytuck the 8th. Janry. 1716/7 being present the Justices Collonel Wm. Reed, Mr. Thos. Vandermunllin, Mr. Thos. Tayler, Captain Wm. Nichollson, Mr. Wm. Bell.

Wm. Capps being Assigned by October Court last past till this Court to Manefest a Record of Princes Ann County Court against Henry Gibson for 2017 pounds Tobacco payable Convenient in Lynhaven in Virginia which the said Capps accordingly Produced to this Court under the Seal of the Collony of Virginia etc. Wherefore It is Order'd that the said Henry Gibson [*blank*] and Joseph Sanderson Security pay to the said Wm. Capps the aforesaid Summ of 2017 pounds of Tobacco with Costs of Suit Alias Execution Upon which Judgement the Defen-

dant by Thos. Swann his Attorney pray'd an Appeal to the Honorable the Generall Court Wherefore It is Order'd that the said Swann Attorney aforesaid have an Appeal upon the said Judgement and that he Give bond with Speciall Security to prosecute his said Appeal which accordingly was Done.

Vera Copia Testis Jo. Wicker Clerk Curiae

And Saith that in the Record and Process aforesaid and also in the giving Judgement aforesaid It is manefestly Erred First in this That is to Say That whereas the said Wm. in his Declaration Saith that the said Henry Stands justly indebted to the said Wm. in the Summ of 2017 pounds of Tobacco as in and by the Record and proceedings of a Court holden in and for Princes Ann County the 9 day of March 1706 within the Collony and Dominion of Virginia but the said Wm. doth not mention that he brings into Court or Exhibits the said Record and proceedings of the said Court of Princes Ann nor doth it Appear in the Record at the time when the Issue was Joyn'd that there ever was any.

2. In this also It is Erred that It being an Action of Debt on a Forreign Judgement the said Wm. ought to have had the said Judgement and record Exemplify'd and filed in the Office with the Declaration which by the said Record It doth not Appear to have been Done.

3. In this also it is Erred in giving the said Wm. Day to Manifest the said Record and receiving the Same in Evidence To the matter after the last Continuance.

4. In this also it is Erred that the Action being brought to an Inferiour Court ought to have been Incerted in the Declaration that the Action did <171> Arise within the Jurisdiction of the Court.

5. In this also it is Erred Because it doth not appear by the said Record and proceedings of Princes Ann Court here and what maner the said Judgement was obtained.

6. In this also it is Erred because by the Record and process of the said Court and giving of Judgement It doth not Appear that the said Henry was Lawfully in Court.

7. In this also It is Erred in not receiving the Exception made by the said Henry Alledging that the Record of Princes Ann ought not to be given in Evidence to the Court after the last Continuance.

And for these Causes the Judgement aforesaid for the said William against the said Henry and all thereupon Depending upon the Suit aforesaid Spoken done and Exhibited is not Sufficient in Law and he prayeth that the Judgement aforesaid for the Errors aforesaid in the Record and Process aforesaid being Annulled and utterly holden for none and that he unto all which by the Occasion of the said Judgement given he Lost he be Restored etc.

And the said William being Solemnly Call'd Came not. Wherefore It is Ordered that the said Judgement pass'd in the Precinct Court of Currytuck, be Reversed and Annulled. And the said Henry be Restored to all that by means of the said Judgement he lost, And that the said William pay Costs Alias Execution.

<*Ela* v. *Dyalls.*> The Marshall was Commanded to Attach the Goods and Chattells of Thomas Dyalls to the Value of Eleven pounds Seventeen shillings and Six pence so as to Compell him to Appear at this Court to Answer the Suit of John Ela etc.

Thomas Dyalls of the Precinct of Chowan Planter was Attach'd to Answer unto John Ela of New England Merchant of a Plea of the Case etc. And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Defendant at Chowan aforesaid the 22d. day of Janry. 1716/7 had accounted with the said Plaintiff for Divers goods wares and Merchandizes And there remain'd due unto the said Plaintiff the Summ of Eleven Pounds Seventeen shillings and Six pence which said Summ of Eleven Pounds Seventeen shillings and Six pence the said Defendant upon himself Assum'd and unto the said Plaintiff then and faithfully promis'd He would Well and Truly pay and Content Yet nevertheless the said Defendant the aforesaid Summ of Eleven pounds Seventeen Shillings and Six pence unto the said Plaintiff altho' often thereunto requested hath he paid the Same but the Same to render and pay hath Deny'd and refus'd and Still doth Deny and refuse to the Damage of the said Plaintiff Twenty And thereupon he brings this Suit etc.

And John Nairn Deputy Marshall to John Hacklefield Esqr. Provost Marshall made return of the Writt aforesaid Attach'd One Horse. And the said Defendant being Solemnly Call'd Came not. Order'd that the said Plaintiff have Judgement against the said Defendant for the said Summ of Eleven pounds Seventeen shillings and Six pence with Stay of Execution till the next Court as the Law in that Case Provides.

Adjourn'd to the Court in Course.

C. Gale Ch. Justice

[*March 1717*]

[*CCR 103*]

<16> Att a Generall Court of Oyer and Terminer and Generall Goal delivery held at the House of Wm. Branch in Chowan Precinct the 28th. March 1717. Present Christopher Gale, Esqr. Ch. Justice, Jno. Worley, Thos. Harvey, Jno. Hardy Esqrs. Assistants.

Order'd that a Venire do go out against Wm. Williams to Answer the presentment of the Grand Jury for not keeping the Road Clear and repairing the bridges in his District.

Order'd that a Venire do go out against Edwd. Bonney to Answer the presentment of the Grand Jury for leaving his Wife in Virginia and keeping a Whore in this Government.

Wm. Steward bound to Appear at this Court, made his Appearance and no Information appearing against him. Order'd that the said Steward be Dismist without Day.

John Beverly bound to Appear at this Court made his Appearance, And no Information appearing against him was Dismist without Day.

Adjourn'd to the Court in Course.

C. Gale C. J.

[*March 1718*]

[*CCR 105*]

<172> North Carolina Ss.

Att a Court of Oyer and Terminer and Generall Goal Delivery held for the said Province at the Court-house at Queen Ann's Creek in Chowan Precinct the 29th. March 1718.

Comission of the Peace Directed to Tobias Knight Esqr. Chief Justice Rd. Sanderson Jno. Blount, Thos. Miller, Thos. Harvy, Jno. Palin, Rt. West, Jno. Worley, Benjn. West, Jno. Hardy, Jams. Beasley, Thos. Pollock Junior, Esqrs. is Published Pursuant to which Jno. Hardy and John Palin took the usuall oaths for their Qualifycation then Adjourn'd till tomorrow morning Ten a Clock to the house of Wm. Branch.

The Court met as per Adjournment. Thos. Harvey and Jno. Worley Esqrs. took and Subscrib'd the oaths as by Law Appointed and their Place in Court.

Order'd that it be a Rule of this Court for the future that in all Actions upon Bill, Bond Condition'd for payment of moneys book Debts Accounts if the Court shall think fitt to allow the Defendant a Delatory Plea the first Court, the next the Defendant shall plead to Issue.

<173> Upon the Petition of Eliza. Phelps Letters of Administration are Granted her on the Estate of Bartholomew Phelps Deceased.

Order'd that John Davenport, Jno. Jennet Samll. Spruill Cuthbt. Phelps or any three of them be Appointed to Appraise the said Deceaseds Estate. Order'd that John Worley Esqr. be Appointed Overseer at the Highway from the flatt Swamp on Pamplico to the Sound Side.

Order'd that Richd. Burtenshall be Overseer of the Highway from Cuscopernung River to Thos. Long's on the So. Shore And that Anto. Alexander Senior be Overseer of the high way from Mr. Yates on Cuscopernung River to Clay's Creek And that both the said Overseers Joyn their Companys till the said Road is Clear'd its full Length (then each Company is to keep the said Road in their Respective District).

It is also Order'd that Jams. Long, Thos. Long, Jab. Blount Thos. Stealey, Wm. Stealey, Jno. Swain, Jno. Bennet, Jno. Davenport, Samll. Spruill, Jams. Slingleton Josph. Spruill and Cuthbert Phelps be Appointed a jury to lay out the said Roads.

<*West* v. *Frank.*> Robert West of Chowan Precinct Gentleman is Plaintiff and Martin Frank of Bath County is Defendant of a Plea of the Case etc.

And whereupon the Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Defendant the 3d. day of Febry. 1713 at Neus in the County of Bath did receive from Collonel Wm. Brice thirteen pair of Millstones on the proper Account of the Said Plaintiff as by a Certain writing under the proper hand of the said Defendant here into Court brought doth Appear Nevertheless the said Defendant Craftily and Subtilly intending the said Plaintiff in that behalf Subtilly to Deceive and Defraud the said thirteen pair of Millstones tho' often thereunto required hath not Delivered but the Same to Deliver hath Deny'd and refused and Still doth Deny and refuse to the Plaintiffs Damage Forty Pounds And thereupon he brings this Suit etc.

<*Non Est Inventus Attachment.*> And the Marshall having made Returne thereof Non Est Inventus And the Defendant being Solemnly Call'd Came not.

Therefore it is Granted that the Marshall do Attach the Goods and Chattells of the said Defendant so as to Compell him to Appear at the next Court and Answer the Plaintiff aforesaid.

<*Hollbrook* v. *Schonnewoolf.*> John Hollbrook of Chowan Precinct is Plaintiff and John Bernard Schonnewolf is Defendant of a Plea of the Case etc.

And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Defendant the 11th. day of May 1715 at Chowan aforesaid for a Valuable Consideration paid the said Plaintiff did oblige himself his Heirs Executors to Deliver unto the Said Plaintiff three pair of good Millstones as by a Certain writing obligatory under the proper hand of the said Defendant dated the day and Year above written and here into Court brought doth appear Yet nevertheless the said Defendant the aforesaid three pair of Millstones unto the said Plaintiff altho' often thereunto requested hath he paid the Same, but the Same to render hath and Still doth Deny and refuse to the Damage of the said Plaintiff Eighteen Pounds And thereupon he brings this Suit etc.

<*Non Est Inventus.*> And the Marshall having made Return thereof Non Est Inventus. And the Defendant being Solemnly Call'd Came not.

<*Attachment.*> Therefore it is Granted that the Marshall do Attach the Goods and Chattells of the said Defendant so as to Compell him to Appear at the next Court and Answer the Plaintiff aforesaid.

<*Bray* v. *Mainer.*> Thomas Bray of the Precinct of Chowan is Plaintiff and John Manear of the Same Precinct is Defendant of a Plea of Debt etc.

And whereupon the aforesaid Thos. in his proper Person Complains that whereas the aforesaid John Manear the 21 day of May 1715 at Chowan aforesaid by one Certain writing obligatory here ready to be produced and dated the day and Year aforesaid did oblige himself his Heirs and Executors to pay to the said Thos. Bray or his Order <174> <*Bray* v. *Mainear*> the Summ of Fifteen Pounds Sterling upon Demand. Yet the aforesaid John tho' often thereunto required the aforesaid £15 Sterling nor any part thereof hath not paid but the Same to pay hath and Still doth Deny and refuse to the Damage of the aforesaid Thos. £30 Sterling. And thereupon he brings Suit etc.

<*Judgement Confess'd.*> And the said Defendant Comes and Defends the force and Injury when etc. And Saith nothing in barr or avoidance of the aforesaid Action of the aforesaid Plaintiff by which the said Plaintiff against the said Defendant should remain undefended.

Therefore it is Considered that the aforesaid Plaintiff shall recover against the said Defendant the Summ of Fifteen Pounds Sterling with Costs of Suit.

<*Wmson.* v. *Manear.*> Richard Williamson of the Precinct of Chowan Planter is Plaintiff and John Manear of the Same Precinct is Defendant of a Plea of Debt etc.

And the aforesaid Richard Williamson by Thomas Bray his attorney Complains that whereas the aforesaid John Manear the 2d. day of Janry. 1716/17 at Chowan aforesaid by one Certain writing obligatory here ready in Court to be produced and dated the day and Year aforesaid did oblige himself his Heirs etc. to pay to the said Richard or his Order the Sum of Ten Pounds Sterling money of Great

Brittain on Demand Yet the aforesaid Jno. tho' often thereunto requested the aforesaid £10 Sterling nor any part thereof hath not paid but the Same to pay hath and Still doth deny and refuse to the Damage of the said Richd. £20 And thereupon he brings Suit etc.

<*Judgement by Nihil Dicit.* > And the Defendant being Solemnly Call'd fail'd to Appear and Plead. It is therefore Considered by the Court that the said Plaintiff recover and have against the Defendant the like Summ of Ten Pounds Sterling with Costs of Suit unless the Defendant Appear next Court and Answer.

<*Blulett* v. *Rodevall.* > Abraham Blewlitt of the Precinct of Chowan Planter is Plaintiff and Samuell Rodevall of the Same Precinct Shoemaker is Defendant in a Plea of the Case etc.

And whereupon the said Plaintiff by Thos. Bray his Attorney Complains that he the said Defendant the 20th. day of Aprll. 1716 at Chowan aforesaid had accounted with the said Plaintiff for divers goods and Merchandizes and there remained then due unto the said Plaintiff the full Summ of thirty one pound seven shillings and eight pence which said Summ of £31 7*s.* 8*d.* the said Defendant upon himself Assum'd and did then and there faithfully promise that he would well and truly pay to the Plaintiff Yet nevertheless the said Defendant the said Summ of £31 7*s.* 8*d.* nor any part thereof altho' often thereunto required hath not paid but the Same hitherto to pay hath Deny'd and refus'd and Still doth deny and refuse to the Damage of the Plaintiff Sixty Pounds and thereon he brings this Suit.

<*Plea.* > And the Defendant Comes and Defends the force and Injury when etc. And prays Oyer of the Account which is read and Coppy Orderd And day is Given till the next Court and then plead to Issue.

<*Knight* v. *Lynch.* > The Marshall was Comanded to Attach the body of Gerrard Lynch to Answer unto Tobias Knight of a Plea that he Render him four pounds five shillings due by Account.

<*Discontinued.* > And the Plaintiff being Solemly required Came not neither prosecuted his writt aforesaid. Therefore it is Consider'd and Orderd that the aforesaid Plaintiff may be from hence in mercy And the said Defendant may go without day And that the said Plaintiff pay Costs.

<*Attkins* v. *Keith.* > Robert Attkins Complains against Jams. Keith in Custody of the Marshall etc. of a Plea that he render unto him the said Plaintiff the Summ of twenty one pounds Fifteen shillings Sterling which he the said Defendant owes and unjustly Detains from him the said Plaintiff the Same being due by Note and bill in writing under the Defendants hand payable to one Wm. Williams or Order and by Endorsement come to the Plaintiff dated the 20th of Novr. 1717 and is here in Court produced which said Sum or any part thereof is not paid altho' often the said Defendant by the Plaintiff hath been often required to pay the Same but hath always deny'd so to do To the Damage of the Plaintiff thirty pounds Sterling And therefore he brings Suit etc.

<175> <*Non Est Inventus.* > And the Defendant being Solemnly Call'd Came not And the Marshall having made Return thereof Non Est Inventus.

<*Attachment.* > Therefore It is Granted that the Marshall do Attach the Goods and Chattells of the said Defendant so as to Compell him to Appear at the next and Answer the Plaintiff aforesaid.

<*Henman* v. *Lynch. Discontinued.* > The Marshall was Commanded to Attach the body of Gerrard Lynch to Answer unto Thos. Henman of a Plea that he render him three pounds Sterling.

And the Plaintiff being Solemnly required Came not neither prosecuted his writt aforesaid Therefore It is Consider'd that the aforesaid Plaintiff may be from hence in mercy And the said Defendant may go without day and that the said Plaintiff pay Costs alias Execution.

<*Moore* v. *Stone.* > Maurice Moore otherwise call'd Maurice Moore of the County of Bath in North Carolina Complains against Wm. Stone in Custody of the Marshall etc. of a Plea that he render unto him the said Plaintiff One Indian Slave named Ned Simmons of the Price of One hundred and Fifty Pounds Sterling the proper Slave of him the said Plaintiff which he the said Defendant detains from him the said Plaintiff (to witt) the 1st. day of March 1717 at the Precinct of Craven in the Province of North Carolina aforesaid which said Slave the said Defendant hath not delivered to the Plaintiff altho' often thereto required but hath always deny'd and as yet doth deny so to do but doth Continue to Detain the said Slave to the Damage of the Plaintiff One hundred and Fifty Pounds Sterling, And therefore he brings Suit.

<*Order* v. *Marshall.* > And the Defendant being Solemnly Call'd Came not Neither did the Marshall make returne of bond and Security taken for the Defendants Appearance as by Law he ought to have done. Wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till next Court or an Attachment against the Defendants Estate. And the Plaintiff aforesaid making Choice of an Order against the Marshall, It is therefore Order'd that the Provost Marshall of Bath County have the body of the said Defendant to the next Generall Court to Answer to the aforesaid Plaintiff otherwise Judgement to [*be*] Confirm'd against the Marshall for the aforesaid Debt with Costs.

<*Attachment.* > Wherefore the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which is Granted.

<*Moore* v. *Stone.* > Maurice Moore Complains against Wm. Stone in Custody of Marshall etc. of Plea that he the said Defendant render unto him the said Plaintiff the Summ of Eighty pounds which he the said Defendant owes and unjustly Detains from him the said Plaintiff for that (to witt) That whereas by one Act of a Generall Bienniall Assembly held at the house of Captain Richd. Sanderson at Little River begun the 17th. day of Novr. 1715 And Continued by Severall Adjournments untill the 19th. day of Janry. 1715 Published an Act Concerning Servants and Slaves among other things it is therein and thereby Enacted that if any Person or Persons shall Entertain or harbour any Runaway [*torn*] or Slave above one Night he or they so offending shall for [*torn*] afterwards forfeit and Pay the Summ of Ten shillings to the Master or Mistress of Such Servants or Slave together with all Costs Losses and Damages which the Master or Mistress shall Sustain by the Means of Such Entertaining or Concealment to be Recover'd in any Court of Record within this Government Wherein no Essoigne Protection Injunction or wager of Law shall be allow'd or admitted of Nevertheless the said Defendant not minding or regarding the said Act but in Contempt thereof and

Contrary to the said Act the 22d. day of Janry. 1717 did Entertain and harbour an Indian Man Slave runaway Nam'd Ned Simons the proper Slave of the Plaintiff as a Runaway Slave and hath ever Since the last mentioned day and Year at the Precinct of Craven in the Province of North Carolina aforesaid Entertained and Harboured the said Slave and as yet doth Continue so to by reason of which said Entertaining and harbouring of the said Slave being the proper Slave of the Plaintiff and by Vertue and force of the said Act Action hath Accrued to <176> the said Plaintiff to have and recover against him the said Defendant the like Summ of Tenn shillings for every four and twenty hours Since the 22d. day of Janry. aforesaid untill the Commencement of this Suit and also all Costs Losses and Damages he the said Plaintiff hath Sustain'd by means of the said Entertaining and harbouring the said Slave by the Defendant to the Plaintiffs Damages Eighty pounds and therefore he brings Suit etc.

Henman for the Plaintiff

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make returne of bond and Security taken for the Defendants Appearance as by law he ought to have done. Wherefore the Plaintiff is put to his Choice either to have an Order against the Marshall with Stay of Execution till next Court or an Attachment against the Defendants Estate And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Bath County have the body of the said Defendant at the next Generall Court to answer the aforesaid Plaintiff otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Wherefore the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. which is Granted.

<*McCoy* v. *Clark.*> John Clark was Attach'd to Answer unto Ann McCoy of a Plea of Trespass on the Case etc.

<*Dismist.*> And the Plaintiff being Solemnly required Came not neither prosecuted his writt aforesaid Therefore it is Consider'd and Order'd that the aforesaid Plaintiff may be from hence in mercy and the said Defendant may go without day And that the Plaintiff pay Costs alias Execution.

<*Campaign* v. *Mettem.*> Samll. Mettem was Attach'd to Answer unto Robt. Campaign of a Plea that he render him the said Plaintiff Fifteen Pounds Sterling.

And the Plaintiff being Solemnly required Came not neither prosecuted his writt aforesaid. Therefore it is Consider'd and Order'd that the aforesaid Plaintiff may be from hence in mercy and the said Defendant may go without day And that the Plaintiff pay Costs alias Execution.

<*Porter* v. *Clark Appeal.*> John Porter Comes to Prosecute an Appeal to reverse a Judgement given in Beaufort and Hyde Precincts Janry. the 7th 1717 at the Suit of Jno. Clark And the said John Porter by Thos. Henman his Attorney brings here into Court a Record of the Preceedings of the said Court in these words.

Att a Court held at Bath Town the 7, 8, and 9th. days of Janr. 1717 Lyonell Reading Esqr. Judge, Jams. Leigh, Jno. Jordan, Thos. Worsley Rd. Harvey Jno. Clark Henry Slade Esqr. Justices Assistants.

Jno. Porter Assignee v. Jno. Clark Executor

In An Action of Debt between Jno. Porter Assignee of Jno. Slocomb Plaintiff and Jno. Clark Defendant, the Defendant being Call'd appear'd by Mr. Jno. White his Attorney as also did the Plaintiff by Mr. Thos. Henman his Attorney then was read the writt and Declaration then the Defendant Comes and Defends the force and injury when etc. and [*torn*] Judgement of the writt and because he Saith that the Plaintiff as [*torn*] Jno. Slocomb hath Commenced the said Suit in his own proper name whereas the Same (by Law) ought to have been in the proper Name of the said Slocomb only and not otherwise and this he is ready to averr whereupon he Demands Judgement of the writt aforesaid etc.

Jno. White for the Defendant

The Plaintiff Demurrs in Law. T. Henman for the Plaintiff.

The Court haveing Debated the matter and Gave Judgement for the Defendant Upon which the Plaintiff Craves an Appeal to the 2d. day of the next Generall Court which is Granted him giveing Security as the Law Directs Lyonell Reading Esqr. became his Security for prosecuting his said Appeal.

Testis Jno. Hatton Clerk Curiae

The partys on both Sides appear'd by their Attorneys And the Arguments <177> being heard and Considered.

It is Order'd by the Court that the Judgement of the Precincts of Hyde and Beauford (that the said Action being brought as Assignee on a Bill under hand was not well brought) be Sett a Side. And it is further Order'd that the said Cause be proceeded in by the said Precinct Court.

<*Vanluven* v. *Lynch.*> Gerrard Lynch was Attach'd to Answer unto Christopher Vanluven of a Plea of the Case etc.

And the Plaintiff being Solemnly required Came not neither prosecuted his writt aforesaid Therefore It is Consider'd and Order'd that the aforesaid Plaintiff may be from hence in mercy And the said Defendant may go without day And that the Plaintiff pay Costs Alias Execution.

<*Simmons* v. *Stone.*> John Simmons otherwise call'd John Simmons of Charles Town in South Carolina Bricklayer Complains against Wm. Stone in Custody of the Marshall etc. of a Plea that he the said Defendant render unto him the said Plaintiff the Summ of One hundred and Fifty pounds which he the said Defendant owes and unjustly detains from him the said Plaintiff for that (to witt) that whereas by one Act of a Generall Bienniall Assembly held at the house of Captain Rd. Sanderson at Little River begun the 17 day of Novr. 1715 and Continued by Severall Adjourments untill the 19 day of Janry. 1715 Entituled an Act Concerning Servants and Slaves amongst many other things it is therein and thereby Enacted that if any Person or Persons shall Entertain or Harbour any Runaway Servant or Slave above one night he or they so offending shall for every four and twenty hours afterwards forfeit and pay the Summ of Ten shillings to the Master or Mistress of Such Servant or Slave together with all Costs Losses and Damages which the Master or Mistress shall Sustain by the means of Such Entertaining or Concealment to be Recover'd in any Court of Record within the Government wherein no Essoigne Protection Injunction or wager of Law shall be allow'd or admitted of Nevertheless the said Defendant not minding or regarding the said Act but in Contempt thereof and Contrary to the said Act the 22d. day of Janry.

1716 did Entertain and harbour an Indian man Slave runaway Nam'd Ned Simons late the Proper Slave of the Plaintiff as a Runaway and hath ever Since the said 22d. day of Janry. 1716 aforesaid at the Precinct of Craven in the Province of North Carolina aforesaid Entertained and harboured the said Slave and as yet doth Continue so to do By reason of which said Entertaining and harbouring the said Slave and by Vertue and force of the said Act Action hath Accrued to him the said Plaintiff to have and recover against him the said Defendant the like Summ of Ten shillings for every four and twenty hours Since the said 22d. day of Janry. in the year aforesaid untill the 22d. day of Janry. 1717 And also all Costs Losses and Damages he the said Plaintiff hath Sustained by means of the said Entertaining and harbouring the said Slave by the Defendant to the Plaintiff Damage One hundred and Fifty Pounds And therefore he brings Suit.

Henman for the Plaintiff

<*Order* v. *Marshall.*> And the Defendant being Solemnly Call'd Came [not] nor did the [*torn*] make returne of bond and Security [*torn*] Appearance as [*torn*] he [*torn*] putt to his Choice [*torn*] have [*torn*] Order against the Marshall [*torn*] Execution till next Court [*torn*] an Attachment against the Defendants Estate. And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Order'd that the Marshall of Bath County [have] the body of the said Defendant at the next Generall Court to Answer the aforesaid Plaintiff otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Wherefore the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

<*Clark* v. *Wm. Wynn.*> John Clark Esqr. Complains against Wm. Wynn in the Custody of the Marshall etc. of a plea of Trespass on the Case for that (to witt) that whereas the Plaintiff is a good honest Chast and faithfull Subject of our Sovereign Lord the King that now is and his Predecessers late Queen and Kings of England and always from his Nativity <178> hitherto hath Governed Demeaned and behaved himself with a good Fame Carecture and Gesture and been of a Good and Chast life as well among his Neighbours or other good and faithfull Subjects of our said Lord the King and his Predecessors and always lived unsuspected unstain'd and without blemish of any matter of Incontinency unchastity Sodemy Buggary or any Such Naucious Scandalous or Notorious crime by reason of which said well demeaning and behaving himself he not only hath obtain'd and long enjoy'd the good will and Esteem of his said Neighbours and others the good and Lawfull Subjects of our said Lord the King but hath gott much benefitt and advantage by Tradeing and Merchandizeing with them And hath by his good and well behaving himself in living an honest Chast and Vertuous Life for many years past been thought worthy by the Honorable the Governor and other Cheif Officers and Majestrates of this Province to be intrusted and Employ'd in places and Posts of very Considerable Trust and Creditt (to witt) Captain of a Company of the Militia and a justice of Peace of Hyde Precinct in Bath County and as a justice of Peace there Still Acts and hath authority so to do And also hath been so far Esteemed by his Neighbours and others to Choose him

their Representative in Assembly in which he hath also Served and well demeaned and behaved himself Nevertheless the said Defendant not being ignorant of the premises of his own [meer] and long Continued and forethought Wicked malice evilly and Maliciously intending the said Defendant not only in his good Name Fame Credit Trade Reputation and Esteem among his Neighbours and others the Kings Subjects to injure hurt deprive Scandallize and wholy to take away and Cause him to loose the good will of the Governor and other Chief Officers and bring him into utter disgrace Shame and Infamy among them and all other good honest and lawfull people But also to bring him in danger and Perrill of loosing his Life and of forfeiting all his Goods Chattels Lands and Tenements according to the Laws of the Land the 20th. day of March 1716 at the Precinct of Chowan in the County of Albemarle falsley and Maliciously in the presence and hearing of divers good and honest Subjects of our said Lord the King these false feigned Scandalous malicious wicked and most injurious words following of the Plaintiff with a loud voice falsley and maliciously utter Speak publish and declare (that is to Say) He (meaning the Plaintiff) would have Buggared me and use divers ways to seduce and perswade me to it And also the said Defendant the day and Year aforesaid at the place aforesaid at divers other times without any Provocation of his farther premeditated malice towards the said Plaintiff of the said Plaintiff these other false and malicious words in like manner did maliciously and Scandalously Speak publish and declare Clark (meaning the Plaintiff) is nasty fellow and used his Endeavour to Bugger me as he hath done Severall times for many months past And the said Defendant the time place and manner aforesaid did maliciously Publish and Declare of the Plaintiff these other false and malicious words (to witt) he (meaning the Plaintiff) wanted to buggar my brother and I, and often perswaded me to lett him do it By reason of which said false wicked envious Scandalous and malicious words Spoken so maliciously as aforesaid by the Defendant of the Plaintiff the Plaintiff is not only brought into great Disgrace Trouble Shame Scandall Injury Scorne hatred amongst his Neighbours and others the Kings Subjects And with the Governor and other Chief Officers and Majestrates of the Province and Damnify'd and hurt in his Trade and Commerce But is also brought into very Great and apparent Dangers of Prosecution according to the law of the Land for that most Notorious abominable Odious Shamfull and most hated Sins of Buggary and Sodomy whereby he may undergoe the disgrace and trouble of [*torn*] Imprisonment Tryall for his Life and the Danger of losing all his Estate [*torn*] [*illegible*] and hath been also [*torn*] Expend great Summs of money [*illegible*] [*torn*] his Reputation and Credit by [*torn*] Scandalously Speak [*torn*] thereby the Plaintiff is much Damnify'd [*torn*] Sustained to the Value [*torn*] Two hundred pounds Sterling And therefore he brings Suit etc.

Henman for the Plaintiff

<*Imparlance.*> And the said Defendant by his Attorney Prayeth licence [to] imparl untill the next Court the last Tuesday in July next to Answer [*torn*] Plaintiff of the Plea aforesaid and he hath it. The Same day is also Given to the Plaintiff.

<*Clark* v. *Edwd. Wynn.*> John Clark Esqr. Complains against Edwd. Wynn in Custody of the Marshall etc. of a Plea of Trespass on the Case so that (to witt)

that whereas the Plaintiff is a good honest chast and faithfull Subject of our Sovereign Lord the King that now is and his Predecessors late Queen and Kings of England and [always] from his Nativity hitherto hath governed Demeaned and behaved himself [with] a good Fame Caracture and Gesture and been of good and Chast life as well amongst his Neighbours as other good and faithfull Subjects of our said Lord the King and his Predecessers and always lived <179> unsuspected unstain'd and without blemish of any maner of Incontinency Unchastity Sodomy Buggary or any Such Naucious Scandalous or Notorious crime By reason of which said well demeaning and behaving himself he not only hath obtain'd and long Enjoy'd the good will and Esteem of his said Neighbours and others the good and lawfull Subjects of our said Lord the King but hath yett much benefitt and advantage by Trading and Merchandizing with them and hath by his good and well behaving himself in living an honest chast and Vertuous life for many years past been thought worthy by the Honorable the Governor and other Chief Officers and Majestrates of this Province to be intrusted and Imployed in places and Posts of very Considerable Trust and Creditt (to witt) Captain of a Company of Malitia and a Justice of Peace of Hyde Precinct in Bath County and as a Justice of Peace there Acts and hath authority so to do And also hath so far been Esteemed by his Neighbours and others to Choose him their Representative in Assembly in which he hath also Served and well demeaned and behaved himself Nevertheless the said Defendant not being ignorant of the premises of his own [meer] and long Continued and forethought wicked malice evilly and maliciously intending the said Plaintiff not only in his good Name fame Credit Reputation and Esteem amongst his Neighbours and others the Kings Subjects to Injure hurt deprive Scandalize and wholy to take away and Cause him to loose the good will of the Governor and other Cheif Officers and bring him into disgrace Shame and Infamy amongst them and all other good honest and lawfull People But also to bring him in Danger and Perril of loosing his life and of forfeiting all his goods Chattells Lands and Tennements according to the Laws of the Land the 20th. day of March 1716 at the Precinct of Chowan the County of Albemarle having a discourse with divers of the Kings good and honest Subjects of and Concerning the Plaintiff falsely and maliciously in the presence and hearing of divers good and honest Subjects of our said Lord the King these false feigned Scandalous malicious wicked and Injurious words following to the said People of the Plaintiff did with a loud voice falsely and Maliciously utter Speak Publish and Declare (that is to Say) He (meaning the Plaintiff) hath Buggared me and also the said Defendant the day Year and place aforesaid and at divers other times of his farther ill will envy and malice towards the Plaintiff of the Plaintiff these other false Scandalous and Malicious words did Publickly loudly maliciously and Scandalously Speak publish and Declare He (meaning the Plaintiff) would have Buggared me and used divers ways and means to Seduce and perswade me it And also the said Defendant the day Year and Place aforesaid and at divers other times and places within this Province without any Provocation from the Plaintiff of his farther premeditated Malice and Spite towards the said Plaintiff to divers others of his said Majesties Subjects of the

said Plaintiff these other false and Scandalous words in like manner did maliciously and Scandalously Speak Publish and Declare Clark (meaning the Plaintiff) is a nasty fellow and used his Endeavours to Buggar me as he hath done Severall times for many months past And the Defendant the time place and in manner aforesaid did maliciously Publish and Declare of the Plaintiff in the hearing of divers people these other false and malicious words (to witt) He (meaning the Plaintiff) wanted to Buggar my Brother and I and often perswaded me to lett him do it and so he (meaning the Plaintiff) hath endeavoured to [Serve] Severall others (meaning young men in the Neighbourhood) By reason of which said false wicked envious Scandalous and malicious words spoken so maliciously as aforesaid by [*torn*] Defendant of the Plaintiff the Plaintiff is not only brought into great Disgrace [*torn*] Trouble Scandal Infamy Scorn and Hatred amongst his Neighbours and [*torn*] the Kings Subjects And with the Governor and other Chief Officers and Ma[jestrates] of the Province And Damnify'd and hurt in his Trade and Commerce [*torn*] brought into very great and apparent Danger of being prosecuted [*torn*] for the Comitting that most notorious abominable odious [*torn*] hated Crime of Buggary and Sodomy whereby he [*torn*] and trouble of Close Imprisonment and Tryall for his [*torn*] his whole Estate And hath been obliged to Expend [*torn*] undergo much Trouble in defence of his good [*torn*] fully abused whereby the Plaintiff is very [*torn*] to the Value of two hundred Pounds [*torn*] [Suit] etc.

Jn [*torn*]

[*Torn*] [afore]said Defendant by his Attorney Prayeth Lyc[*torn*] Tuesday in July next to answer [*torn*] it. The Same day is also given [*torn*].

<180> <*Maule* v. *Davis.*> Edward Davis was Attach'd to Answer unto Collonel Wm. Maule of a Plea Breach of Covenant.

And the Plaintiff being Solemnly required Came not neither presecuted his writt aforesaid Therefore it is Considered and Order'd that the said Plaintiff may be from hence in mercy, and the said Defendant may goe without day and that the said Plaintiff pay Costs alias Execution.

<*Maule* v. *Hill.*> Henry Hill was Attach'd to Answer unto Collonel Wm. Maule of a Plea of the Case etc.

And the Plaintiff being Solemnly required Came not neither presecuted his writt aforesaid Therefore it is Consider'd and Order'd that the said Plaintiff may be from hence in mercy, and the said Defendant may goe without day, And that the said Plaintiff pay Costs alias Execution.

<*Howard* v. *King.*> Edward Howard of Chowan Precinct Gentleman Complains of John King of the Collony of Virginia Gentleman in Custody of the Marshall of a Plea of Trespass upon the Case etc.

And whereupon the Same Edwd. Howard by Thos. Swann his Attorney Complains that whereas the Same Edwd. Howard is a good true and honest Person of this Government without any Evil Name fame or Reputation hath always lived and kept himself free and unattainted And hath always hither to from the time of his Nativity behaved himself, lived and Continued and of good Name fame Condition Credit Conversation Repute and behaviour as well towards all his

Neighbours with whom he hath so lived and Continued and other faithfull and honest Persons of this Government By all the time aforesaid hath been Esteemed Accounted and Reputed, the fear of God always having before his Eyes And from any kind of fellony Robbery dishonesty, theft or either Such like wicked and base Crimes And from the procuring of Such like wickedness, or of the Same in any Matters whatsoever Noted or Suspected By the whole Course of his Life hitherto free and Clear and throughly and wholy unsuspected hath Remained Continued and Lived. By reason whereof the said Edwd. Howard hath not only deservedly had and obtain'd the love and good will of all Neighbours and other good honest and faithfull Persons of this Government But also hath kept and Concerved himself fame Name Estimation, Opinion and Reputation and all his Lands Chattells and Estate Secure and Unattainted And in no wise Subject to the Rigour of the Law for Such like mischiefs made and Provided, Yet the aforesaid John King not being Ignorant of the premises but envying the happy Estate and Condition of the said Edward and Maliciously intending not only to Deprive him the said Edward of his good Name fame Creditt Estimation and Repute aforesaid and to bring him the said Edward into the hate and Evil Opinion of all his Neighbours and other worthy and honest Persons of this Government But also innocently to Cause him to [*be*] brought into Danger of forfeiting All and Singular his Chattels Lands and Tenements and Loosing of his Life the 2d. day of Aprll. 1717 at Chowan aforesaid and within the Jurisdiction of this Court, these false feigned Scandalous Malicious and Approbious words following (then and there) having Speech and Communication with divers faithfull honest and worthy Persons of this Government And with the said Jno. King of and Concerning a Report which he the said John King [*torn*] had Spread Concerning the said Edwd. and his father (to witt) That [*torn*] Edward Howard the (Plaintiff meaning) and his father were both [*torn*] Thieves and Lyars and had Stolen Severall Barrells of Pitch from [*torn*] John King in the presence and hearing of divers of his Neighbours [*torn*] faithfull and worthy persons of this Government then and there being [*torn*] and Publickly and with a loud Voice did Say Affirm [*torn*] to the said Edward Howard, It is true and I'll [*torn*] afterwards unto of for and to the Same Mali[*torn*] Same day and Year at Chowan aforesaid [*torn*] Malicious and opprobrious words [*torn*] of his Neighbours and other faithfull [*torn*] and there being present and hearing [*torn*] did Speak Declare and Publish to the [*torn*] are a thief and I'll prove you [*torn*] Thieft and felloney ever [*torn*] <181> Reason of the Saying Speaking Affirming and Declaring of which false feigned Scandalous Infamous Malicious and Opprobrious words the said Edward is not only Extreamly hurt and Damnifyed in his good Name fame Credit and Estimation aforesaid amongst his Neighbours and other faithfull honest and worth Persons of this Government to whom the Innocency of the said Edward in this part was unknown before the Speaking and Publishing of the said words were used to keep Company and familiarity with the said Edward And with the said Edward before that time used to Negotiate, Deal, Contract, Buy and Sell with. But also in Danger of feiting of all his goods Land and Tenement and Innocently to be brought into Danger of his Life as aforesaid And thereupon his Neighbours have daily more and more refused And yet do refuse and withdraw

themselves from the Company of him the said Edward Whereby the said Edward Saith that he is Damnifyed and hath Damage to the Value of Five hundred pounds And thereupon he brings this Suit etc.

<*Imparlance.*> And the said Defendant by Thos. Henman his Attorney prayeth Lycence to Imparll untill the next Court the last Tuesday in July next to Answer the said Plaintiff of the Plea aforesaid and he hath it. The day is also given to the Plaintiff.

<*Colman* v. *Morgan.*> John Colman of Boston in New England Merchant Complains against Joseph Morgan Mariner in Custody of the Marshall etc. of a Plea that he render unto him the said Colman his reasonable Account of the time that he was Bailiff of him the said Colman Videlicet of the Wares Goods and Merchandizes of the said Colmans to merchandize and make profit thereof to the Sole use of him the said Colman.

And whereupon the said Colman by Jno. White his Attorney Saith That whereas the said Morgan from the 26 day of Novr. 1715 untill the 30th. day of Augst. 1717 was the Bailiff of him the said Colman, Videlicet of the Wares goods and Merchandizes of the said Colmans to Merchandize and make profitt of the Same to the only proper use of the said Colman, and during the said time he received of the wares Goods and Merchandizes of the said Colman, Videlicet, at the Precincts of Beauford and Hyde in the County of Bath by the hands of the said Colman Sundry Goods Wares and Merchandizes to the Value of three Hundred Forty five Pound twelve shillings and Six pence Sterling And by the hand of Malachy Salter other wares Goods and Merchandizes to the value of two hundred Seventy five Pounds Seven shillings and two Pence Sterling also by the hands of Jacob Bordman other merchandize to the Value of Seventy Nine pounds and Nineteen shillings Sterling Likewise by the hands of Joseph Farrington other wares goods and Merchandizes to the Value of Ninety four Pounds Nineteen shillings and Nine pence Sterling And by the hands of Jno. Porter and others goods to the Value of twenty three pounds and [*torn*] shillings the whole Amounting to the Summ of Eight hundred Nine [*torn*] Pounds eight shillings and five pence Sterling at the [*torn*] form to Merchandize and make profit withall to the [*torn*] Colman only, and to render a Reasonable Account to the said Colman [*torn*] and Profits of the said Wares Goods and Merchandizes aforesaid [*torn*] unto required Nevertheless the said Morgan altho' often [*torn*] reasonable Account of the Same wares Goods and Mer[*torn*] and Profitts thereof unto the said Colman, hath not [*torn*] give and Still doth refuse and Deny to the Plaintiff [*torn*] Pounds Sterling and thereof he brings Suit etc. [*torn*].

And the said Defendant by Thos. Henman his Attorney [*torn*] Injury done etc. and Saith that he cannot deny the [*torn*] he ought to Account with the aforesaid Plaintiff of the [*torn*] said Plaintiff hath above Declared against him. And farther [*torn*] Ready to Account thereof etc.

Therefore it is Consider'd that the aforesaid Defendant [*torn*] And hereupon Mr. Josh. Weedox [*torn*] the presence of the said Defendant are Assign'd [*torn*] Accounts and to make Report thereof to [*torn*].

[*Torn*]tion of Edwd. Travess praying to be [*torn*] said Cause Orders that he be paid by [*torn*] Alias Execution.

<182> <*Jarvis* v. *Tully.*> Benjn. Tull was Attach'd to Answer unto Frans. Jarvis of a Plea of Trespass Assault and Battery etc.

And the Plaintiff being Solemnly required Came not neither prosecuted his writt aforesaid Therefore it is Consider'd and Order'd that the said Plaintiff may be from hence in mercy and the said Defendant may go without day And that the said Plaintiff pay Costs Alias Execution.

<*Odom* v. *Long.*> John Long was Attach'd to Answer unto Jacb. Odom of a Plea of the Case etc. ad Damnum Eighteen Pounds.

And the Plaintiff being Solemnly required Came not neither Prosecuted his writt aforesaid Therefore it is Consider'd and Order'd that the said Plaintiff may be from hence in mercy and the said Defendant may go without day And that the said Plaintiff pay Costs Alias Execution.

Adjourn'd to the Court in Course.

[*July 1718*]

[*CCR 105*]

<183> North Carolina Ss.

Att a Court of Oyer and Terminer and Generall Goal Delivery held at the Court house at Queen Ann's Creek in Chowan Precinct the 29th. of July 1718 and Continued by Severall Adjournments to the 31 of the Same. Present John Blount, Rt. West, Benjn. West, Jno. Hardy and James Beasley Esqrs.

A Comission of the Peace Directed to Tobias Knight Esqr. Chief Justice John Blount, Thos. Miller, Thos. Harvy, Jno. Palin, Robt. West, John Worley, Benjn. West, John Hardy, Jams. Beasley, and Thos. Pollock Esqrs. his Associates is Published.

Pursuant to which John Blount, Robt. West, Benjn. West, Thos. Harvey, James Beasley, and Thos. Pollock Esqrs. took and Subscribed the Severall oaths by Law appointed for their Qualifycation.

The last Will and Testament of Susanah Johnson is prov'd by the oath of Wm. Walters.

The last Will and Testament of Samll. Wright is prov'd by the Oath of Thos. Stafford.

The last Will and Testament of Rt. Harman is prov'd by the Oath of Edwd. Moseley.

The Honorable Richd. Sanderson Esqr. Enters a Caveat against the Will of Richard Sanderson Esqr. his Father Deceased.

Madam Damaras Sanderson by Thos. Swann her Attorney Exhibits the Will of Richd. Sanderson Esqr. her Husband Deceased and prav'd the Same might be prov'd in Court, And Richd. Sanderson Esqr. his Son having Entred a Caveat against the said Will Order'd that day be given till the Second day of the next Court for Arguing the Same.

Upon the Petition of Sumo. Alderson Order'd that he be appointed Guardian to Joel Martin an Orphan left by Joel Martin Deceased And also that Letters of

Administration be Granted the said Alderson on the Estate of the Deceased Joel Martin.

Upon the Motion of Philip Brown Orderd that Lewis Bryan Jno. Bryan Edwd. Bryan and Edwd. Taylor be Appointed to Appraise the Estate of Jno. Curlee Deceased.

Upon the Motion of Jno. Mixon and Anto. Alexander Orderd that they be allow'd 11*s*. 8*d*. each for their Attendance as Evidence at the Suit of George Whedbee.

Order'd that Thos. Millfield abide with Jno. Blount Esqr. till the next Precinct Court of Chowan.

Order'd that the Marshall take into Custody Robert Cook till he give Security for his good behaviour to all his Majesties Leige [*torn*] Appear at the next Generall Court to Answer for his [*torn*] and abuse to this Court.

<[*Torn*] *Frank.*> And now here at this day Came the aforesaid Plaintiff by Edwd. Mo[*torn*] And the Sherriff nothing therein did nor Sent [*torn*].

Therefore lett there be made to him another [*torn*] aforesaid Returnable here the last Tuesday in October [*torn*].

And now here at this day Came the aforesaid Plaintiff by Edwd. [*torn*] in proper Person Comes and Defends the force and injury [*torn*] nothing in barr or avoidance of the aforesaid Action [*torn*] the said Plaintiff against the said Defendant should remain [*torn*].

Therefore It is Consider'd that the aforesaid [*torn*] the Summ of Seven Pounds Ten shillings [*torn*] alias Execution.

[*Torn*] here at this Court Came the aforesaid Plaintiff [*torn*] Defendant being Solemnly Call'd now [*torn*] the Court that the Plaintiff have and Recover [*torn*] <184> Summ of Ten Pounds Sterling with Costs of Suit. Whereupon the said Defendant by Collonel Edwd. Moseley his Attorney moved for an Injunction in Chancery And it is thereupon Order'd that all further Proceedings in this Court in the said Action be Stayed till the said matter is heard and Determined in Chancery.

<*Blulett* v. *Rodevall. Plea.*> And now here at this Court Came the aforesaid Plaintiff by Edwd. Moseley his Attorney And the aforesaid Defendant by Thos. Henman his Attorney Comes and Defends the force and Injury when etc. And Saith Action not etc. because he Saith that he never did Account with the Plaintiff for any wares or Merchandizes whatever nor ever assum'd to pay the said Summ in the Declaration mentioned or any part thereof as the Plaintiff hath Declared and of this he putts himself upon the Country etc. and the Plaintiff likewise.

<*Jury.*> Therefore it was Commanded to Jno. Falconar Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall that he should Cause to Come etc. twelve etc. by whom etc. who neither etc. to Recognize etc. And there Came Robt. Calf, Thos. Roundtree Rt. Lanier Thos. Yates Jno. Manear, Jno. Penny Wm. Bonner Wm. Coward Rd. Willson Thos. Mathews, Chas. Fortee Wm. Thompson who between the partys aforesaid being Impannelled and to Say the truth of the premises elected Tryed and Sworn did Say upon their oaths <*Verdict*> We find nothing due to the Plaintiff.

<*Arrest of Judgement.*> Whereupon the Plaintiff by Edwd. Moseley his Attorney moved in Arrest of Judgement which motion is Granted till the next Court.

<*Attkins* v. *Keith. Attachment Contd.*> And now here at this day Came the aforesaid Plaintiff by his Attorney, And the Marshall nothing therein did nor Sent in the Writt. Therefore lett there be made to him another writt thereof in form aforesaid Returnable here the last Tuesday in 8ber next.

<*Evidences.*> Upon the motion of Thos. Harris Order'd that he be allow'd 21*s.* 8*d.* for his Attendance as Evidence etc. in the said Cause.

<*Moore* v. *Stone.*> And now here at this day Came the aforesaid Plaintiff by Edwd. Moseley his Attorney and the aforesaid Defendant being Solemnly Call'd Came not. Therefore It is Consider'd that the Judgement obtain'd by the said Plaintiff against the said [*blank*] Provost Marshall of the County of Bath be Confirmed.

Order'd that the said [*blank*] do pay to the said Plaintiff the Summ of One hundred and Fifty Pounds Sterling with Costs of Suit alias Execution.

<*And Marshall* v. *Stone.*> It is also further Granted that the Marshall do Recover of the said Defendant the Summ of One hundred and Fifty Pounds Sterling with Costs of Suit.

Order'd that the said Defendant do pay to [*blank*] Provost Marshall of Bath County the Summ of One hundred and Fifty Pounds Sterling with Costs of Suit also four shillings and two pence fee as by Law allow'd for Judgement pass'd against him alias Execution.

[*Torn*] here at this day Came the aforesaid Plaintiff by Edwd. Moseley his Attorney And [*torn*] Defendant being Solemnly Call'd Came not, [*torn*] It is Consider'd that the Judgement obtain'd by the said Plaintiff against the said [*blank*] Provost Marshall of the County of Bath be Confirmed. [*Torn*] the said [*blank*] do pay to the said Plaintiff the Summ of Eighty [*torn*] Costs of Suit alias Execution.

[*Torn*] Granted that the Marshall do Recover of the said Defendant [*torn*] with Costs of Suit.

[*Torn*] said Defendant Do pay to [*blank*] Provost Marshall [*torn*] with Costs of the Suit also Four shillings and two pence [*torn*] for Judgement pass'd against him alias Execution.

[*Torn*] this day Came the aforesaid Plaintiff by Thos. Henman his At[*torn*] Solemnly Call'd Came not. Therefore It is [*torn*] by the Plaintiff against the said [*blank*] be Confirmed.

[*Torn*] [*blank*] do pay to the said Plaintiff the [*torn*] Costs of Suit alias Execution.

[*Torn*] that the Marshall do Recover of [*torn*] with Costs of Suit.

<185> Order'd that the said Defendant do pay to [*blank*] Provost Marshall the Summ of One hundred and Fifty pounds with Costs of Suit also four shillings and two pence fee as by Law allow'd for Judgement pass'd against him alias Execution.

<*Clark* v. *Wynn.*> And now here at this day the aforesaid Plaintiff being Solemnly required Came not And the Defendant by Thos. Bray his Attorney pray'd a non Suit which was Granted.[15]

<*Howard* v. *King. Discontinued.*> And now here at this day the aforesaid Plaintiff being Solemnly required Came not neither prosecuted his writt aforesaid.

Therefore It is Consider'd that the Plaintiff may be from hence in mercy And the said Defendant may go without day And that the said Plaintiff pay Costs alias Execution.

<*Colman* v. *Morgan.*> And now here at this Court Came the aforesaid Plaintiff and the said Defendant by their Attorneys And the Auditors of the said Account having nothing therein done Order'd that they do hear the said Account and make Report thereof to the next Court and that no Attorneys be present with them.

<*Denman* v. *Frank.*> Martin Frank of the Precinct of Craven was Attach'd to Answer unto Charles Denman Assignee of Ann Willson of the Precinct of Pequimans of a Plea that he render him twenty pounds Sterling money of this Government which to him he owes and from him unjustly Detains etc. And whereupon the said Plaintiff by Edward Moseley his Attorney Complains that whereas he the said Defendant at Pequimans aforesaid the 28 day of Augst. 1714 by his Certain writing obligatory under his proper hand did oblige himself his Heirs etc. to pay to the said Ann the Summ of Twenty Pounds Sterling money when he should be thereunto required after the 10th. day of Novr. next Ensuing the date thereof as in and by the said Bill here ready to be produced it doth and may more at Large Appear Nevertheless the said Defendant the aforesaid Summ of twenty two pounds Sterling money unto the said Ann nor to the said Defendant Qualify'd as aforesaid hath yet paid nor Contented but the Same to render and pay hath Deny'd and Still doth Deny and refuse altho' he has been often thereto requested to the Damage of the Plaintiff qualify'd as aforesaid Fourty Pounds and therefore this his Suit is Produced.

<*Plea.*> And the said Defendant by Thos. Henman his Attorney Comes and Defends the force and Injury when etc. And prays Oyer of the Bill which is Granted and Day is Given till the next Court to answer the Same, the Same day is also Given to the Plaintiff.

<*Godfrey* v. *Mitchell.*> Simon Godfrey Mariner is Plaintiff and Wm. Mitchell Planter is Defendant in a Plea of the Case etc.

And whereupon the Plaintiff by Edwd. Moseley his Attorney Saith that [*torn*] Assembly held at the house of Captain Rd. Sanderson for [*torn*] of Novr. 1715 among other things it was Ordain'd and [*torn*] Person or Persons shall Entertain or harbour any Runaway [*torn*] one night he or they so offending shall for every twenty [*torn*] forfeit and pay the Summ of ten shillings to the Master [*torn*] or Slave together with all Costs Losses and Damages [*torn*] shall Sustain by the means of Such Entertaining or [*torn*] in any Court of Record within this Govern-

[15] This entry is repeated in full.

ment wherein [*torn*] Injunction or wager of Law shall be allow'd or Admitt'd [*torn*] aforesaid Defendant two Servants of the said Plaintiff Named Doyley [*torn*] Harbour and Entertain by the Space of [*torn*] the 14 day of December 1716 untill the first [*torn*] Action hath accrued to the said [*torn*] twenty shillings for every [*torn*] further Damages as the said [*torn*] said Defendant harbouring [*torn*] the said Plaintiff layeth at [*torn*] <186> required the aforesaid twenty shillings for every of the Seventeen days aforesaid as also the aforesaid Ten Pounds for the Plaintiffs further Damages hath not paid but the Same to pay hath and Still doth refuse and Deny to the Plaintiffs Damage twenty Seven Pounds And therefore he brings this Suit etc.

<*Imparlance.*> And the said Defendant by Thos. Henman his Attorney prayeth Lycence to Imparle untill the next Court to be held the last Tuesday in 8ber next to Answer to the Plaintiff of the Plea aforesaid And he hath it, The Same day is also given to the Plaintiff.

<*Oliver* v. *Willson. Appeal.*> William Willson of Chowan Precinct is Plaintiff And Aaron Oliver of the Same place Merchant is Defendant of a Plea of Trover and Conversion etc.

And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Plaintiff the 22d. day of October 1717 at Chowan aforesaid was possess'd of eight Barrells fill'd with good Pitch of the Value of eight Pounds Sterling and so being possess'd the said Plaintiff afterwards (to witt) the Same day and Year aforesaid out of his hands and possession did casually loose which said eight barrells of Pitch afterwards (to witt) the Same day and Year aforesaid did by finding Come to the Defendants hands and possession Nevertheless the said Defendant altho' he well knew the said eight Barrells of Pitch to be the proper Pitch of the said Plaintiff and to him of right to belong evilly intending to Deceive and Defraud the said Plaintiff in this behalf thereof altho' often required the said eight Barrells of Pitch to the Plaintiff would not Deliver but the said eight barrells of Pitch the said Defendant afterwards (to witt) the 23 day of the said 8ber to his own use did Convert and Dispose to the Plaintiffs Damage Ten Pounds Sterling And thereupon he brings this Suit etc.

And the Defendant by Thos. Henman his Attorney Comes and Defends the force and Injury when etc. And Saith That he is not Guilty and of this he putts himself upon the Country and the Plaintiff likewise. Wherefore it was Commanded to Jno. Nairn Deputy Marshall to John Hacklefield Esqr. Provost Marshall That he should cause to Come etc. twelve etc. by whom etc. who neither etc. to recognize etc. And there Came Wm. Cranford Const. Luten Rd. Willson John Yelverton Wm. Daws Caleb Nevin Jno. Davis, Jno. Williams Dennis McLendon Wm. Bonner Thos. Ball Andw. Stevinson who between the partys aforesaid being Impannelled and to Say the truth of the Premises Elected Tryed and Sworn did Say upon their Oaths. We of the Jury do find for the Plaintiff Eight pounds Sterling with Costs of Suit.

Upon which Verdict the Defendant Pray'd an Appeal to the next Generall Court which was Granted he giving Security as the Law Provided.

A Coppy. R. Hicks Clerk Curiae

<*Plea.*> The said Oliver for Cause of Appeal shews to this Honorable Court the Causes following.

1. That the said Willson in his Declaration setts forth that he was possessed of eight Barrells fill'd with good Pitch and that they Came to the Defendants hands and that he the said Defendant Oliver did Convert and Dispose them to his own use whereas [*torn*] such possession or Conversion was prov'd or did Appear as it ought to have [*torn*].

[*Torn*] Oliver says the Evidences made use of in the said Court were Sent [*torn*] to be Examined by the Jury that were Sworn to try that Cause [*torn*] Jury were withdrawn from the Barr Contrary to the said Oliver [*torn*] Consent which ought not to be.

[*Torn*] of the said Jury was for the Plaintiff whereas it ought [*torn*] the Defendant.

[*Torn*] as the said Oliver humbly hopes this Honorable Court [*torn*] void the said Verdict. Thos. Henman for Oliver [*torn*] Willson by Edwd. Moseley his Attorney Prays day [*torn*] Answer the said Plea which is Granted etc.

[*Torn*] of Chowan Precinct Planter was Attached [*torn*] Same Precinct Gentleman wherefore by force [*torn*] Orchard Four hundred Acres of Land [*torn*] Luten Junior holdeth for the [*torn*] Luten Senior Gentleman did [*torn*] aforesaid did Eject and other [*torn*] said Thomas Luten Junior [*torn*] now is etc.

<187> And whereupon the Thomas Luten Junior by Edwd. Moseley his Attorney Complains that whereas the aforesaid Thomas Luten Senior Gentleman the first day of July Anno 1714 at Chowan Precinct aforesaid did Demise to him the said Thomas Luten Junior the Messuage aforesaid with the appurtenances lying neer Sandy Point in Chowan Precinct and adjoyning to the Land of Mr. John Blount to have and to Occupy to him and to his Assignes from the said first day of July unto the end and Term of Seven whole Years then next following and fully to be Compleat and ended by Vertue of which Demise the aforesaid Thomas Luten Junior into the Messuage aforesaid with the Appurtenances did Enter and was thereof possessed And the said Thomas so being thereof Possessed the aforesaid Orlando Champion afterwards (to witt) the tenth day of July 1718 by force and Armes etc. the Messuage aforesaid with the Appurtenances which the aforesaid Thomas Luten Senior to him the aforesaid Thomas Luten Junior in form aforesaid Demised for the Term aforesaid which is not yet past did Enter and him from his Farm aforesaid did Cast out and other harms etc. to the great Damage of him the said Thomas Luten Junior and against the Peace of our Sovereign Lord the King that now is etc. Whereupon the said Thomas Luten Junior Saith that he is Damnifyed and hath Damage to the Value of One hundred Pounds and thereupon he brings this Suit etc.

Unless the Tennant in Possession or they under whom he Claims Do next Generall Court to be holden for this Government the last Tuesday in this Instant July appear to this Declaration and make him or themselves Defendants thereunto and by Rule of Court Confess the Lease Entry and Ejectment and insist only upon the title the Defendant in this Declaration will Confess Judgement and possession will be Delivered accordingly to the Plaintiff and you Turn'd out of Possession.

To Captain John Lovick Tenant in Possession of the Premises within mentioned.

Orlando Champion

Thomas Pollock being Defendant in this Suit of Trespass and Ejectment as being Lessor to the Tennant in Possession of the land in the Declaration mentioned Comes in Person and Saith That Thomas Luten Junior the Plaintiff ought not against him this Suit to have in this Court For that time beyond all memory of man no Officer or Minister of the Court of Chancery ought to be drawn and forced to Answer in any Court but only before our Lord the King in his Court of Chancery in any Common Plea Suit or Demand whatsoever (Treason Fellony Appeal and Freehold only Excepted) and that he the said Thomas Pollock is and at the time of Issuing of this writt of Ejectment was an Officer of the Court of Chancery and is drawn and forced here to answer in this Suit of Trespass and Ejectment aforesaid [*torn*] and Contrary to the Priviledge of Officers of the Court of [*torn*] this he is ready to averr Wherefore he humble prays [*torn*] acknowledge allow'd and that this Suit may be Dismisst.

Tho. [*torn*]

And the said Plaintiff as to the aforesaid Plea of the aforesaid Thomas [*torn*] That the aforesaid Thomas Pollock by any thing by him [*torn*] Pleaded Such Priviledge ought not to have Because [*torn*] plea in manner and form aforesaid Pleaded and the matter in [*torn*] Sufficient in Law to have the Priviledge aforesaid all [*torn*] Plea in manner and form aforesaid pleaded hath, no [*torn*] the [*torn*] held to Answer. And for Cause [*torn*] Sheweth here unto the Court [*torn*] without Such Defence or [*torn*] he Comes and [*torn*] Members of [*torn*] <188> an Officer of the Court of Chancery, the said Thomas Not Saying what Officer he is, So as to leave this Court room to Judge whether he is Intituled to Priviledge in Case the Priviledge of the Members of the Court of Chancery in England did Extend to the Plantations.

<*4.*> It doth not Appear by any of the Records and Proceedings of this Court that Such Priviledge have been allow'd here.

<*5.*> The said Thomas Pollock Produceth no writt of Priviledge.

<*6.*> And also for that the Plea of the aforesaid Thos. Pollock above Pleaded is incertain insufficient and wants Substance matter and form And this he is ready to averr. Whereupon for want of the Sufficient answer of the said Thomas in this behalf, the Plaintiff prayeth Judgement and his Damages by reason of the premises to be adjudged unto him etc.

E. Moseley for the Plaintiff

And on motion time is Granted to the said Pollock till within twenty days of the next Generall Court to Lodge an Aswer to the said Demurer in the Clerks Office.

<*Newman* v. *Snell.*> John Newman otherwise call'd John Newman Junior of Glocester in New England Merchant Complains against John Snell otherwise call'd John Snell of North Carolina Caper in Custody of the Marshall etc. of a Plea that he the said Defendant render unto him the said Plaintiff the Summ of thirteen Pounds and Four shillings Sterling money of England which he the said Defendant owes and unjustly Detains from him the said Plaintiff the Same being due by Obligation under the Defendants hand and Seal Dated the 14th. day of Aprill 1714 Payable to the Plaintiff and here in Court Produced which the Defen-

dant hath not paid or any part thereof tho' thereunto often by the Plaintiff required to pay the Same To the Plaintiffs Damage Thirteen Pounds Four shillings Sterling money of England And therefore he brings Suit etc.

Henman for the Plaintiff

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make return of Bond or Security taken for the Defendants Appearance as by Law he ought to have done. Wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendants Estate And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Order'd that the Provost Marshall of Albemarle have the body of the said Defendant at the next General Court to answer the aforesaid Plaintiff otherwise Judgement to the Confirm'd against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which is Granted.

[*Torn*] John Newman Complains against John Pettiver and Ann his wife Administratrix etc. of all [*torn*] the Goods Chattells Rights and Creditts which were of Isaac Wilson her [*torn*] and lately Deceased at the time of his Death who as it is said Dyed [*torn*] in Custody of the Marshall etc. of a Plea that they the said Defendants render [*torn*] said Plaintiff the Summ of three pounds nineteen shillings and Eight Pence [*torn*] Isaac in his Life time owed to and which they the said Defendants unjustly [*torn*] him the said Plaintiff the Same being due by an Account here [*torn*] the said Isaac in his Life time did not Pay nor have [*torn*] Since the Death of the said Isaac paid the Same altho' [*torn*] Plaintiff required so to do to the Plaintiffs Damage Four Pounds [*torn*] Suit etc.

Henman for the Plaintiff

[*Torn*] being Solemnly Call'd Came not nor did the [*torn*] taken for the Defendants Appearance as by [*torn*] to his Choice either to have an [*torn*] Court or an Attachment against [*torn*] of An Order against [*torn*] Albemarle County [*torn*] Plaintiff other [*torn*].

<189> <*Newman* v. *Fallow.*> John Newman Complains against William Fallow in Custody of the Marshall etc. of a Plea of Trespass upon the Case for that (to witt) That whereas the said Defendant Some time in the month of Janry. 1716 at the Precinct of Chowan in the County of Albemarle was Justly Indebted to the Plaintiff in the Summ of Eight pounds Fifteen shillings Current money of this Province the being due by Account here in Court produced which the Defendant hath not paid altho' often required by the Plaintiff so to do To the Plaintiffs Damage Eight pounds Fifteen shillings And therefore he brings Suit etc.

Henman for the Plaintiff

<*Cont.*> And the Defendant being Solemnly Call'd Came And hereupon by the Consent of both partys the Cause is putt in Respite untill the next Court.

<*Newman* v. *Woodnutt.*> Henry Woodnutt was Attach'd to Answer unto John Newman of a Plea of the Case etc. ad Damnum One hundred Pounds.

<*Dismission.*> And the Defendant being Solemnly required Came not neither

Prosecuted his writt aforesaid Therefore It is Consider'd and Order'd that the said Plaintiff may be from hence in mercy and the said Defendant may Go without day and that the said Plaintiff Pay Costs alias Execution.

<*Newman* v. *Jennett.*> John Newman Junior of Glocestor in New England is Plaintiff and John Jennet of Chowan Precinct in the Province aforesaid is Defendant in a Plea of the Case. And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that whereas he the said Defendant Stands justly indebted unto the Plaintiff in the full Summ of Fifty Five Pounds One shilling and Ten pence Current money of this Province as in and by an Account here in Court brought doth Appear Nevertheless the Defendant the said Summ of Fifty five Pounds one shilling and Ten Pence unto the Plaintiff hath not yett paid nor in any manner of wayes hath given Content altho' often by the Plaintiff thereunto requested to the Plaintiffs Damage One hundred and Ten Pounds three shilling and four pence And therefore he brings this Suit etc.

<*Attachment.*> And the said Defendant being Solemnly Call'd Came not. Therefore it is Granted at the motion of the Plaintiff that the Marshall do Attach the goods and Chattells of the Defendant so as to Compell him to Appear at the next Court and Answer the Plaintiff aforesaid.

<*Newman* v. *Scott.*> John Newman Merchant is Plaintiff and Edward Scott of Pasquotank is Defendant of a Plea of the Case etc. And whereupon the Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Defendant Stands justly indebted unto the Plaintiff the Summ of three pounds Seven shillings and four pence Current money of this Province upon the ballance of an Account here into Court brought bearing date the 10th. Febry. 1716 doth Appear Nevertheless the said Defendant the said Summ of three pounds Seven shillings and four pence unto the Plaintiff hath not yett paid but the Same to render and pay hath Deny'd and refus'd altho' by the [*torn*] requested to the Plaintiffs Damage Six pounds fourteen shillings [*torn*] he brings this Suit etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did [*torn*] returne of Bond and Security taken for the Defendants Appearance [*torn*] to have done wherefore the Plaintiff was putt to his Choice either [*torn*] the Marshall with stay of Execution till the next [*torn*] Defendants Estate. And the Plaintiff aforesaid making Choice of an [*torn*] is therefore Order'd that the Provost Marshall of [*torn*] said Defendant at the next Generall Court to answer the [*torn*] be Confirm'd against the Marshall for the aforesaid [*torn*] whereupon the Marshall pray'd an Attachment against the [*torn*] aforesaid so as to Compell him to Appear and [*torn*].

[*Torn*] Junior of Glocester in New [England] [*torn*] is Defendant of a [Plea] [*torn*] Thomas [*torn*] Febry. [*illegible*] [*torn*] to the [*torn*] ready [*torn*] <190> date is the day and Year above written Nevertheless the said Defendant the said Summ of Four Pounds Fifteen shillings unto the Plaintiff hath not yet paid but the Same to render and pay hath Deny'd and refused to the Plaintiffs Damage Nine pounds ten shillings And therefore he brings this Suit.

<*Non Est Inventus. Account prov'd and Attachment granted.*> And John Falconar Deputy Marshall to Jno. Hacklefield Esqr. Provost Marshall of Albemarle County having made returne thereof Non Est Inventus And the Defendant

being Solemnly call'd came not. Whereupon the aforesaid Plaintiff proceeded by his Corporall oath to prove his Account And pray'd an Attachment against the Defendants Estate so as to Compell him to Appear at the next Court and Answer the Plaintiff aforesaid Which was Granted etc.

<*Charleton* v. *Miller.*> Jacob Miller of Craven Precinct was Attach'd to Answer unto William Charleton of Chowan Precinct of a Plea of the Case etc.

And whereupon the said Plaintiff by Edwd. Moseley his Attorney Complains that whereas the said Defendant the 30th. day of July 1715 at Chowan aforesaid for a valuable Consideration received did oblige himself his Heirs Executors Administrators to pay or Cause to be paid unto the said Plaintiff his Heirs or Assignes Six pair of good blue Millstones to be Deliver'd at Captain Fredk. Jones's Landing at Queen Ann's Creek in Chowan Precinct as by a Certain writing obligatory under the proper hand of the said Defendant whose date is the day and Year above written and here into Court brought may appear Yet nevertheless the said Defendant the aforesaid Six pair of Millstones unto the Plaintiff altho' often thereunto requested hath he paid the Same but the Same to Render hath and Still doth Deny and refuse to the Damage of the said Plaintiff twenty Pounds and therefore he brings this Suit etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the marshall make Returne of bond and Security taken for the Defendants Appearance as by Law he ought to have done wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendants Estate, And the Plaintiff aforesaid making Choice of an Order against the Marshall. It is therefore Order'd that the Provost Marshall of Bath County have the body of the said Defendant at the next Generall Court to answer the aforesaid Plaintiff otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt with Costs. Whereupon the Marshall pray'd an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which was Granted.

<*Corlee* v. *Wilkisson.*> James Corlee Complains against James Wilkisson in Custody of the Marshall etc. of a Plea of Trespass on the Case for that (to witt) that whereas the said Defendant the 17th. day of March 1717 at the Precinct of Chowan was justly indebted to the Plaintiff the Summ of thirty Six pounds Current money the Same being due by an Account here in Court Produced which the Defendant hath not paid or any part thereof altho' [*torn*] by the Plaintiff thereunto required but hath always Deny'd and as Yet doth Deny [*torn*] Same To the Damage of the Plaintiff Forty Pounds Current money And [*torn*] he brings Suit etc.

Henman for the Plaintiff

[*Torn*] Defendant being Solemnly Call'd Came not nor did the Marshall make Return [*torn*] Security taken for the Defendants Appearance as by Law he ought to [*torn*] was putt to his Choice either to have an Order against the [*torn*] Execution till the next Court Or an Attachment against the [*torn*] making Choice of an Order against the Marshall. It is therefore [*torn*] Marshall of Albemarle County have the body of the [*torn*] to answer the aforesaid Plaintiff otherwise

Judgement to be [*torn*] the aforesaid Debt with Costs. Whereupon [*torn*] against the Estate of the aforesaid Defendant for [*torn*] to Appear etc. Which was [*torn*].

[*Torn*] Precinct Spinster [*torn*] Plea of Trespass [*torn*] <191> beat and evil Intreat so that of her Life she did Dispair and other Enormitys to her then and there he Offer'd and did Contrary to the Peace of our Sovereign Lord the King that now is And to the Plaintiffs Damage Fifty Pounds And thereupon she brings this Suit etc.

<*Imparlance.*> And the said Defendant by Thomas Henman his Attorney prayeth Lycence to Imparle untill the next Court to be held the last Tuesday in October next to answer to the Plaintiff of the Plea aforesaid, And he hath it, The Same day is also given to the Plaintiff.

<*Patchett* v. *Bray.*> Thomas Bray of Chowan Precinct Gentleman was Attach'd to Answer unto Edward Patchett of the Same Place Planter of a Plea of Trespass upon the Case etc. And whereupon the Plaintiff in his own proper Person Complains that whereas he the said Plaintiff the 1st. day of Febry. 1717 was possessed of one Certain Plantation or Tract of Land Scittuate lying and being in Chowan Precinct Containing One hundred and thirty Acres as his own proper Lawfull and rightfull Estate and Inheritance and being thereof so Seized and possessed as aforesaid the said Defendant afterwards (to witt) the 7th. day of the said Febry. with force and Armes the Same did Enter and him the said Plaintiff did Diseize and the timber and Lightwood thereon Standing and Growing with Certain Horses and Carts etc. did Splitt Pick up, burn into Tarr and bear away to the Value of twenty Pounds Sterling and other things Enormous to him did against the Peace of our Sovereign Lord the King that now is and to his Grievous Damage twenty Pounds Sterling and therefore this his Suit is Produced etc.

<*Imparlance.*> And the said Defendant by Thos. Henman his Attorney prayeth Lycence to Imparle untill the next Court to be held the last Tuesday in Octr. next to answer the Plaintiff of the Plea aforesaid And he hath it. The Same day is also Given to the Plaintiff.

<*Lovick* v. *Maule.*> Collonel William Maule otherwise Call'd Collonel William Maule of Chowan Precinct Gentleman was Attach'd to Answer unto Captain John Lovick of the Same Place Merchant of a Plea of the Case etc. And whereupon the said Plaintiff Complains that whereas the said Defendant on or about the 1st. day of June 1718 had accounted with the said Plaintiff for divers goods wares and Merchandizes and there remain'd due unto the said Plaintiff the Summ of Six Pounds Five shillings and eight pence which said Summ of £6 5*s*. 8*d*. the said Defendant then and their faithfully promis'd that he would well and truely pay the Same Yet nevertheless the said Defendant the said Summ of £6 5*s*. 8*d*. unto the said Plaintiff altho' often thereunto requir'd hath he paid the Same but the Same to Render and pay hath Deny'd and refus'd and Still doth Deny and refuse to the Plaintiffs Damage Ten Pounds and therefore he brings this Suit etc.

<*On Copy Left. Attachment pray'd.*> And the said Defendant being Solemnly Call'd Came not And the Plaintiff aforesaid Proceeded on his Corporall oath to prove his Account Wherefore It is Granted at the motion of the Plaintiff that the Marshall do Attach the goods and Chattells of the Defendant so as to Compell him to Appear at the next Court to answer the Plaintiff aforesaid.

[*Torn*] Henry Clayton of Pequimans Gentleman Comes [*torn*] his appeal to Reverse a Judgement or Order pass'd in the Precinct [*torn*] Pequimans the [*illegible*] of Aprll. 1718 against him the said Henry, on [*torn*] Zachariah [*torn*] [*illegible*] the said Eltons freedom and [*torn*].

[*Torn*] Said Henry by Edward Moseley his [*torn*] here [*torn*] Record of the Proceedings of the [*torn*] mention'd therein [*torn*] Court held [*torn*] on the 8 [*torn*] Josph. Jess[*torn*] bound [*torn*] <192> Evans Esqr., Mr. Henry Clayton Appears likewise And the said Zachariah Elton comes and Says that he is free by his Indenture and the whole matter was heard and Debated and mature Consideration had upon which It is Ordered that the said Zachariah Elton be Discharged from his Indenture.

Upon which Mr. Henry Clayton prays that he may have an Appeal to the next Generall Court. Which was Granted.

Vera Copia Testis Richd. Leary Clerk

And Saith that in the Record and Process, And also in giving Judgement aforesaid It is manifestly Erred:

<*First*> In this, That the said Indenture mention'd in the said Record is not incerted therein.

<2.> In this also It is Erred For that the said Order or Judgement doth not Ascertain upon what part or Article of the said Indenture, the said Zachariah ought to be free or Discharged.

<3.> In this also, For that the said Judgement doth Discharge and Sett free the said Zachariah when the time mentioned in the said Indenture is not Expired. And when the said Zachariah ought not to be free. And for those Causes the Judgement aforesaid for the said Zachariah against the said Henry in right of his wife Mary the Relict of James Coles Gentleman Deceased upon the Suit aforesaid in form aforesaid Spoken done and Exhibited is not Sufficient in Law. And he prayeth that the said Judgement aforesaid for the Errors aforesaid in the Record and Process aforesaid being be [littled] and utterly holden for None And that he and unto all which by the Occasion of the Judgement aforesaid given, he Lost he be Restored.

And the said Zachariah being Solemnly Call'd Came not. Wherefore It is Order'd that the said Judgement pass'd in the Precinct Court of Pequimans be Reversed and Annulled And the said Henry be Restored to all that by means of the said Judgement he lost And that the said Zachariah pay Costs alias Execution.

<*McCoy* v. *Clark.*> Ann McCoy an Infant by John Porter of Bath County Esqr. her Guardian Complains against John Clark in Custody of the Marshall etc. of a Plea of Trespass on the Case for that (to witt) that whereas the said Plaintiff the first day of March 1717 at the Precinct of Chowan in the County of Albemarle was possess'd of one good Negro man Slave Named Harry of the price of Seventy Pounds Sterling the proper Slave of her the said Plaintiff and so being possessed of the said Slave afterwards (to witt) the 2d. day of March in the year aforesaid at the Place aforesaid him the said Slave out of her possession casually did loose which said Slave so being Lost afterwards (to witt) the day year and place last above mentioned to the hands and possession of him the said Defendant by finding did Come Nevertheless the said Defendant altho' he well knew the said

Slave of right to her the said Plaintiff to belong would not Deliver the said Slave to the Plaintiff altho' thereto often required but the Said [*torn*] afterwards (to witt) the 3d. day of March in the Year aforesaid at the place [*torn*] the said Defendants own proper use did Convert and Dispose and Still doth [*torn*] Convert and Dispose to the Plaintiffs Damage One hundred pounds Sterling [*torn*] therefore [*torn*] Suit etc.

Henman for the Plaintiff.

<*Order* v. *Marshall.*> And [*torn*] being Solemnly Call'd Came not nor did the Marshall [*torn*] return [*torn*] security taken for the Defendants Appearance as by [law] he ought [*torn*] have [*torn*] the Plaintiff was putt to her Choice either [*torn*] the [*torn*] of Execution till the next Court [*torn*] plaintiff aforesaid making Choice of an [*torn*] Marshall of [*torn*] aforesaid otherwise [*torn*] Costs Where[*torn*] for the Debt [*torn*] Granted.

<193> <*Conner* v. *Relfe.*> John Conner Merchant Complains of William Relfe Junior of Pasquotank Precinct in the County of Albemarle and Province aforesaid Marriner in the Custody of the Marshall etc. for that Whereas he the said John on or about the 17th. day of Aprill 1717 at Pasquotank aforesaid at the Special Instance and request of the said William Relfe Sold and Deliver'd to him the said William to his own proper use and behoofe divers goods wares and Merchandizes amounting to the Summ of Four Pounds and Four shillings Current money of this Province as by a True Account thereof Legally prov'd and now fil'd in Court ready to be produced may Appear. In Consideration whereof the said William at the time and place aforesaid the aforesaid £4 4*s*. on himself did Assume and to the aforesaid John did then and there faithfully promise well and truely to pay and Satisfy when he should be thereunto requested Yet the said William not regarding his Assumption and promise aforesaid but deceiptfully and fraudulently intending him the said John to Deceive and Defraud of the said £4 4*s*. tho' he has been thereunto often requested the Same has not as yet paid but at all times hitherto has refused and Still doth refuse the Same to pay whereupon the said John Saith he is Detrimented and has Damage to the Value of Nine Pounds And thereupon this his Suit is produced etc.

Danll. Richardson for the Plaintiff

<*Order* v. *Marshall.*> And the Defendant Solemnly Call'd Came not nor did the Marshall make Returne of bond and Security taken for the Defendants appearance as by Law he ought to have done wherefore the Marshall [*sic*] was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendants Estate And the Plaintiff aforesaid making Choice of Order against the Marshall. It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendant at the next Court to Answer the Plaintiff aforesaid otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt with Costs. Whereupon the Marshall Pray'd an Attachment against the Estate of the Defendant for the Debt and Costs aforesaid so as to Compell to Appear etc. Which was Granted.

<*Conner* v. *Smith.*> John Conner Merchant Complains against William Smith of Pasquotank Precinct in the County of Albemarle and Province aforesaid Mar-

riner in Custody of the Marshall etc. for that whereas he the said John Conner on or about the 15 day of May 1717 at Pasquotank at the Speciall Instance and request of the said William Smith Sold and Deliver'd to him the said William to his own proper use and behoof divers goods Wares and Merchandizes amounting to the Summ of Eighteen pounds Current money of this Province as by a true account thereof legally proved and now filed in Court ready to be produced may appear In Consideration whereof the said William at the time and Place aforesaid the aforesaid [*torn*] did Assume and to the aforesaid John did then and there faithfully [*torn*] and truely to pay and Satisfy when he should be thereunto [*torn*] said William not regarding his Assumption and promise as aforesaid [*torn*] and fraudulently Intending him the said John to Deceive and [*torn*] tho' he has been often thereunto requested, the Same [*torn*] but at all times hitherto has refused and Still doth [*torn*] whereupon the said John Saith he is Detrimented and [*torn*] Six and Thirty Pounds And thereupon this his Suit [*torn*].

Danll. Richardson [*torn*]

[And the said] Defendant being Solemnly Call'd Came not [*torn*] and Security for the Defendants Appearance [*torn*] the Marshall was putt to his Choice [*torn*] of Execution till [*torn*] aforesaid making [*torn*] Provost Marshall [*torn*] Court to Answer [*torn*] for the aforesaid [*torn*] of the [*torn*] was [*torn*].

<194> <*Carter* v. *Fields.*> Zachariah Fields and John Dayley of the Province of North Carolina were Attach'd to answer unto Edward Carter of a Plea that they do Render to him the Summ of Six Pounds Currant bills of this Province which to him they owe and from him unjustly Detains etc.

And whereupon the Same Edward by Thomas Swann his Attorney Complains that they the said Defendant by their Certain writing obligatory under their proper hands and Seals Dated the 12 day of 7ber 1716 did bind and oblige themselves their Heirs Executors Administrators Joyntly and Severally to pay to the said Plaintiff his Heirs Executors and Assignes the full and just Summ of Six barrells of Good Merchantable Tarr Convenient on Pasquotank River or Six pounds in Current bills of this Province on the 10th. day of Novr. next after as in and by the Same writing Sign'd and Seal'd as aforesaid hereinto Court produced it doth and may more fully and at Large Appear which said 10th. day of Novr. is now past Wherefore the Plaintiff demands of the Defendant the Summ of Six pounds according to the forme and Effect of the said writing Yet nevertheless the said Defendants their obligation not minding nor regarding the said Summ of Six pounds as aforesaid unto the said Edward hath not Rendred and paid but the Same to Render and pay hath Deny'd and Still doth Deny and refuse tho' often thereunto requested To the Damage of the said Edward Nine Pounds and thereupon this his Suit is Produced etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make returne of bond and Security taken for the Defendants Appearance as by Law he ought to have done wherefore the Plaintiff was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendants Estate And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body

of the said Defendant at the next Court Otherwise Judgement to be Confirmed against the Marshall for the aforesaid Debt with Costs. Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which was Granted.

<*Boyd etc.* v. *Lumley.*> Winifred Boyd widow and Relict of Collonel Thos. Boyd late of Pasquotank Precinct in this Province Esqr. Deceased and Captain Benjn. West of the Same Precinct Esqr. Administrator of all and Singular the Goods and Chattells Rights and Credits of the said Thos. Boyd Complains of George Lumley of Pasquotank Precinct aforesaid in the Custody of the Marshall etc. of a Plea that he render unto them the said Winifred and Benjamin the Summ of thirty Pounds Current money of this Province the which to them he owes and unjustly Detains for that whereas the said George the 29th. day of [*torn*] 1716 at Pasquotank aforesaid by his Certain writing obligatory Sign'd by [*torn*] the said George the Same day and Year aforesaid did oblige himself his Heirs [*torn*] Administrators to pay or Cause to be paid to the said Collonel Thos. Boyd the Summ [*torn*] the Current Bills of this Province when he should be thereto requested [*torn*] [notwith]standing the said George has been often thereunto requested by the [*torn*] his Life time and the Plaintiffs Since his Death the said £30 [*torn*] but has hitherto at all times refused and Still doth Refuse [*torn*] the Plaintiffs £60 and in Delay of their Administration [*torn*] Suit is Produced etc.

Danll. Richardson for the [*torn*]

[*Torn*] by Thos. Swann his Attorney Prays [*illegible*] of [*torn*] to Answer the Plaintiffs which is [*torn*].

[*Torn*] Precinct of Currytuck in [the] [*torn*] John Wallis [*torn*] said Plaintiff by [*torn*] render unto [*torn*] England which [*torn*] was the said [*torn*] <195> by his Certain bill Sign'd by the said Defendant whose date is the Same day and Year aforesaid which bill is fil'd in the Office of the Court became Indebted to the said Plaintiff in the said Summ of Nine pounds and twelve shillings as aforesaid to be paid to the said Plaintiff when the said Defendant should be thereto requested after the last of May then next Ensuing the Date Yet nevertheless the said Defendant the said Summ of £9 12*s.* to the Plaintiff hath not paid but the Same to Pay hath Deny'd and Still doth Deny tho' often thereunto requested whereupon the Plaintiff Saith he is Damnify'd Eighteen pounds And thereupon he brings this Suit etc.

<*Order* v. *Marshall.*> And the Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond and Security taken for the Defendants Appearance as by Law he ought to have done wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendants Estate And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Bath County have the body of the said Defendant at the next Court Otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt with Costs Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the Debt and Costs aforesaid so as to Compell him to Appear etc. Which was Granted.

<*Jarvis* v. *Tull.*> Francis Jarvis and Eliza. his wife are Plaintiffs and Benjn.

Tull and Susanah his wif are Defendants in a Plea of Trespass Assault and Battery wounding and maiming etc. And whereupon the said Plaintiff by Thos. Swann their Attorney Complains against the Defendant for that whereas the said Susanah att Currytuck in the Province aforesaid and within the Jurisdiction of this Court on the 14 day of May 1717 by force of Armes etc. on the Plaintiff Elizabeth an Assault did make and she the said Elizabeth did then and there with Swords Staves Knives and Cudgells violently and outragiously Assault Beat wound maim and evill Intreat so that of her Life she did greatly Dispair and other Enormity to her then and there she Offer'd Contrary to the Peace of our Sovereign Lord the King that now is and to the Plaintiffs Damage Two hundred Pounds Sterling and thereupon this their Suit is Produced etc.

<*Order* v. *Marshall.*> And the said Defendant being Solemnly Call'd Came not nor did the Marshall make return of bond and Security taken for the Defendants Appearance as by Law he Ought to have done wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendants Estate, And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Marshall of Albemarle County have the body of the said Defendant at the next Court [*torn*] Judgement to be Confirm'd against the Marshall for the aforesaid Debt [*torn*] Whereupon the Marshall pray'd an Attachment against [*torn*] for the Debt and Costs aforesaid so as to Compell him to [*torn*] Which was Granted.

Thomas Davis Comes to Prosecute his writt of Error [*torn*] Verdict passed in the Precinct Court of Currytuck [*torn*] against him the said Thos. Davis in a Case wherein the [*torn*] Plaintiff against Thos. Joyner in a Plea of Debt etc. [*torn*].

And the said Thos. Davis by Thos. Swann his [*torn*] Court [*torn*] Record of the Proceedings of the said Court [*torn*] Commenced by the said Thomas Davis [*torn*] following Videlicet [*torn*] the Precinct of [*torn*] Collonel Wm. [*torn*] Taylor Captain [*torn*] Wm. Poyner [*torn*] Poyner [*torn*] and the [*torn*] <196> Saith etc. And the said Thos. Poyner Saith Action Not because that he the said Thos. neither bought nor Sould nor any ways Contracted with the Plaintiff for the said Five Pounds Sterling Sett forth in the Plaintiffs Declaration and that the bill is not Lawfully the Defendants Act and Deed.

Thos. Poyner Defendant

And the aforesaid Plaintiff by Thos. Swann his Attorney Saith that he ought not to be barr'd by any thing aforesaid because he Saith that the Bill and obligation mention'd in the Declaration is the proper bill of the Defendant and this he prays may be Enquired of by the Country And the Defendant likewise.

A Jury being accordingly Impanl'd whose Names are as followeth Videlicet: Mr. Joseph Sanderson foreman Mr. Rd. Ballance, Mr. Alexr. Maccoy, Mr. Jno. Crabb, Mr. Wm. Williams, Mr. Samll. Ballance, Mr. Jno. Jones, Mr. Webly Peavy, Mr. Ambross Maccoy, Mr. Thos. Haman Mr. Rd. Dauge Mr. Petr. Dauge being Sworn to Try the Issue Joyn'd and having their Charge were Sent out to Consider therefore who return'd this Verdict We of the Jury being all agreed do find no

Cause of Action Joseph Sanderson foreman. Wherefore it's Order'd that the Verdict be Recorded which was accordingly done.

Vera Copia Jos. Wicker Clerk Curiae

And Saith that in the Record Process and Verdict and also in giving of Judgement aforesaid it is manifestly Erred.

<*First.*> In this that is to Say That whereas the said Thos. Davis in his Declaration Saith that the said Thos. Poyner was justly indebted to the said Thos. Davis in the Summ of Five Pounds Sterling And the said Thos. Poyner Appearing in his own Person and for Plea Saith that the bill mention'd in the Plaintiffs Declaration is not his Lawfull Act and Deed, And the said Thomas Davis Saith he ought not to be barr'd by any thing aforesaid because he Saith that the bill and obligation in his Declaration is the proper bill of the said Defendant and this he prays may be Enquired of by the Country and the Defendant likewise. Now the Issue being whether it were the Defendants bill or not the Court ought not to have received any forreign Evidence but such as amounted to the proof of the Issue Joyn'd.

<*2.*> In this also It is Erred in Swearing two Evidences to prove the Consideration of the said Bill when the Issue was whether the Bill was the Defendants Bill or not.

<*3.*> In this also It is Erred in Directing the Jury to Observe the Stress of the Evidence in proving the Consideration when [that] was quite otherwise.

<*4.*> In this also It is Err'd In Swearing more than One Jurror at a time.

<*5.*> In this also It is Err'd the Jury finding for neither Plaintiff nor Defendant it was an Imperfect Virdict and the Court ought to have Sent them out again with Directions to have brought in for the one or the other.

<*6.*> In this also It is Err'd in receiving the said Imperfect Verdict and Ordering the Same to be Recorded [*torn*] so It is Err'd in Dismissing the said Suit and letting the Partys go without day [*torn*] a Determination was made in Court one way or other.

[*Torn*] those Causes the Judgement and Verdict aforesaid and all thereon Depending upon [*torn*] Spoken done and Exhibited is not Sufficient in Law and he the said [*torn*] prayeth that the said Judgement and Verdict aforesaid for the Errors [*torn*] Process and Verdict aforesaid being be Annulled and utterly [*torn*] unto all which by the Occasions of the Same [*torn*] he lost and paid he be Restored And further the [*torn*] of the King to warn the Said Thos. Poyner that he [*torn*] Justice and his Assistants at the next Generall Court at [*torn*] hear the Record and Process aforesaid and also the [*torn*] what should be just in the Premise [*torn*] Poyner being Solemnly Call'd [*torn*] pass'd in the Precinct [*torn*] Thos. Davis be [*torn*] that the said Thos. [*torn*].

<*197*> <*Tooke* v. *Whitbey.*> James Tooke Merchant complains of John Whitbey of Currytuck Precinct in the County of Albemarle in the Province of North Carolina Planter in the Custody of the Marshall etc. For that whereas the said James the Seven and twentyeth day of September Anno Domini 1712 at Currytuck aforesaid at the Speciall Instance and request of him the said John Sold and Deliver'd to him the said John Divers goods Wares and Merchandizes to the

Value of Eight pounds four shillings and Six pence Lawfull money of this province a particular account whereof is filed in this Court and herewith Produced And the aforesaid John then and there Videlicet on the aforesaid Seven and twentieth day of September at Currytuck aforesaid on himself did Assume and to the aforesaid James then and there did faithfully promise that he the said John the aforesaid Eight Pounds four shillings and Six pence to the aforesaid James when he should be required would and truely Pay and Content Nevertheless the aforesaid John having Little regard to his aforesaid promise and Assumption but Deceitfully and fraudulently intending him the said James to Deceive and defraud of the said Eight Pounds four shillings and Six pence has not as yet paid the Same altho' he has been often thereunto requested but always has refused and yet doth refuse to pay the Same Whereupon the said James Saith he is Detrimented and has Damage to the Value of Sixteen Pounds and thereupon this his Suit is produced etc.

Danll. Richardson for the Plaintiff

<*Attachment.*> And the Defendant being Solemnly call'd came not And the Marshall having made returne of the writt aforesaid that he had Left Coppy thereof at the Defendants Abode the Plaintiff pray'd an Attachment against the Defendants Estate for the Debt and Costs so as to Compell him to Appear etc. which is Granted.

<*Boyd vidua Administratrix* v. *Whedbee.*> Winifred Boyd widow Administratrix of the goods and Chattells Rights and Creditts of Collonel Thomas Boyd Esqr. her late husband Deceased Complains of John Whedbee of Currytuck in the County of Albemarle and Province aforesaid Planter in the Custody of the Marshall etc. For that whereas the said John at Currytuck aforesaid became Indebted to him the said Thomas in the Summ of Two pounds twelve Shillings and Six pence Current money of this Province for Sundry barrells had and receiv'd of and from the aforesaid Thomas by him the said John as by an Account bearing date in October One thousand Seven hundred and thirteen and ready in Court to be produced may and doth Appear and the said John did [*torn*] and there promise and Assume to pay to him the said Thom[*torn*] Two Pounds twelve shillings and Six pence when he Should [*torn*] requested yet notwithstanding Such his promise and Assumption [*torn*] regarding the Same the said Two Pounds twelve shillings [*torn*] he did not pay in the Life time of the said Thomas [*torn*] Thomas nor Since his Death to the said Winifred [*torn*] has been often requested by each of them to do [*torn*] has refused and yet does refuse to pay the Same [*torn*] Winifred saith she is Detrimented and has Damage [*torn*] five Pounds and is in Delay of her said Administration [*torn*] Suit is produced etc.

Daniel [*torn*]

[*Torn*] Solemnly call'd Came [*torn*] he had [*torn*] him aforesaid [*torn*] appear etc.

<198> <*Boyd vidua Administratrix etc.* v. *Whedbee.*> Winifred Boyd widow Administratrix of the Goods and Chattells Rights and Creditts of Collonel Thomas Boyd Esquire her late husband Deceased Complains of John Whedbee of Currytuck Precinct in the County of Albemarle and Province aforesaid Planter in the Custody of the Marshall etc. of a Plea that he render unto her Twelve Pounds

and Fifteen shillings in good Merchantable Pitch which he owes unto her and unjustly detains For that whereas the said John by his certain writing obligatory bearing date the third day of Augst. one thousand Seven hundred and thirteen Seal'd with his Seal and now in Court and ready to be produced did oblige himself his Heirs Executors Administrators to pay or Cause to be paid when he should be thereunto Demanded the aforesaid twelve Pounds and Fifteen shillings to the said Thomas Boyd his Heirs and Assignes Yet the said John altho' he often was Demanded thereto in the Life time of the said Thomas by the said Thomas and Since his Death by the said Winifred the said twelve pounds and Fifteen shillings has not as yet paid but the Same has hitherto always refused and Still doth refuse to pay to the Damage of the said Winifred and is in Delay of her Administration And thereupon this her Suit is produced etc.

Daniel Richardson for the Plaintiff

<*Attachment.*> And the said Defendant being Solemnly call'd came not And the Marshall having made returne of the writt aforesaid that he had left Coppys thereof at the Defendants Abode. The plaintiff pray'd an Attachment against the Defendants Estate for the aforesaid Debt and Costs so as to Compell him to Appear etc. Which is Granted.

Adjourn'd to the Court in Course.

[*October 1718*]

[*CCR 189*][16]

North Carolina Ss.

Att a Court of Oyer and Terminer and Generall Goal Delivery held at the Court house in Chowan Precinct the 28th. 8ber 1718. Present Jno. Blount Thos. Harvy and Jno. Worley Esqrs.

The Court being Open'd Adjourn'd till Munday Morning 8 a Clock the 3d. of Novr.

The Court mett as per Adjournment Present ut Supra together with Jno. Hardy Esqr.

A Commission of the Peace Directed to Fredk. Jones Esqr. Chief Justice, Jno. Blount Esqr. Thos. Miller Thos. Harvy Jno. Palin Rt. West Jno. Worley, Benjn. West Jno. Hardy Jams. Beasley and Thos. Pollock his Associates.

Pursuant to which Fredk. Jones Jno. Blount Thos. Harvy Jno. Hardy and Jno. Worley Esqrs. took and Subscrib'd the Severall Oaths by Law Appointed for their Qualifycation.

A Letter from the Honorable the Governor from Bath Town wherein is Signify'd that a great Number [*of*] Indians neer Bath Town have already taken Some Captives and threaten the rest of the Inhabitants with Destruction is read in

[16] Because the finished minutes in CCR 105 are badly mutilated, scratch minutes are used here.

Court. Upon which it's Orderd that the Court be adjourn'd to the next Court in Course to which Court all business is Continued And accordingly it is Adjournd.

[*Signed:*]
Fred. Jones Ch. Justice, John Blount, John Worley, John Hardy, Tho. Harvey.

[*March 1719*]

[*CCR 105*]

<200> North Carolina Ss.

Att a Generall Court of Oyer and Terminer held at the Court house in Chowan Precinct the 31st. March 1719. Present Thos. Harvey Esqr.

The Court being Open'd Adjourn'd till tomorrow morning 10 a Clock.

The Court mett as per Adjournment present ut Supra together with John Blount and John Hardy Esqrs.

Thos. Miller Jno. Palin and Jams. Beasley Esqrs. took and Subscrib'd the Severall Oaths by Law Appointed and their places in the Court.

Whereas the Honorable Fredk. Jones Esqr. Ch. Justice of this Province by reason of the Death of his Lady, cannot Attend the Generall Court of this Province And Forasmuch as a Sufficient Number of Such Qualifyed Members of this said Court cannot be had at this time that ought to Determine and Decide the Severall businesses Some whereof being very uncommon and for Severall other Sufficient Causes and reasons to us offer'd and duely Considerd upon, We do hereby Adjourn the said Generall Court to the last Tuesday in July next Ensuing the date hereof, and in the Mean time no processes, Recognizances and other business in any respect whatsoever, shall fall or be useless; but the Same to be of as good force and full Effect as if the Court had now been and the Same to be in as full force and Vertue as could or ought to be, had this Court Satt.

James Beasley Esqr. Descents against the Adjournment of the Court to July next.

[*July 1719*]

[*CCR 105*]

<200> North Carolina Ss:

Att a Generall Court held for the said Province at the Court house at Queen Ann's Creek in Chowan Precinct the 28th. July 1719 and Continued to the 1st. day of August following. Present John Blount and Jno. Hardy Esqrs.

The Court being Opened Satt and Adjourn'd till tomorrow morning 8 a Clock.

The Court mett according to Adjournment Present Frederick Jones Esqr. Chief Justice John Blount, John Hardy, Thos. Miller, Thos. Harvy and John Worley Esqrs.

Major Robert West Benjn. West and Thos. Pollock Esqrs. took and Subscribed the Severall oaths by Law appointed and their Places in the Court.

[*Torn*] last Will and Testament of Richard Sanderson Esqr. is Exhibited by Thos. [*torn*] the Evidences thereto being Examined. It is the Opinion of this [*torn*] that the Same is not a good Will.

[*Torn*] Will and Testament of Godfrey Spruill is prov'd by the oaths of [*torn*] and Henry Norman.

[*Torn*] James Brown be Allow'd and paid the Summ of Six pounds [*torn*] ten pence, Foster Jarvis two Pound and one shilling, [*torn*] pounds Fifteen shillings and two pence for their [*torn*] to the Will of Richard Sanderson Esqr. Deceased.

[*Torn*] Esqr. having made Complaint to this Court that [*torn*] Servant lately absented himself [*torn*] was Absent One hundred and two Days [*torn*] Henry Rapier Serve his said Master [*torn*] Expiration of his [Indenture] [*torn*] Extraordinary [*torn*].

[*Torn*] made Complaint [*torn*] Absented [*torn*] <201> away and was absent Forty five days. Order'd that the [*torn*] his said Master double the time of his Absence after [*torn*] Indenture And also One hundred and Forty days for the [*torn*] and Charge in Apprehending him.

<*Blewlett* v. *Rodewell Dismisst.*> In the Action on the Case brought by Abraham Blewlett against [*torn*] for thirty one pound Seven shillings and Eight pence due by [*torn*] Account is lodged in Court to which the Defendant Pleaded to Issue [*torn*] which Issue was then tryed and Verdict was then brought in for the Defendant whereupon the Plaintiff moved in Arrest of Judgement which matter being now to be Argued the Plaintiff failed to Appear. It is therefore Considered by the Court That the said Suit be Dismisst.

<*Attkins* v. *Keith Dismisst.*> The Suit brought by Robert Attkins against James Keith not being prosecuted is Dismisst.

<*Colman* v. *Morgan Non Suit.*> John Colman failing to Prosecute his Suit against Joseph Morgan for One thousand pounds Sterling in Account Render Att the Motion of the Defendant a Non Suit is Granted him and the Plaintiff order'd to pay Costs according to Law alias Execution.

<*Denman* v. *Frank Non Suit.*> Charles Denman failing to Prosecute his Action against Martin Frank for twenty two pound Sterling money of this Government at the Defendants Motion a Non Suit is Granted him and the Plaintiff Order'd to pay Costs according to Law alias Execution.

<*Godfrey* v. *Mitchell Non Suit.*> Simon Godfrey failing to Appear and Prosecute his Action against Wm. Mitchell for twenty Seven Pounds Damage by reason of his Entertaining the Plaintiffs Servants etc. the Defendant on Motion has a Non Suit Granted him And the Plaintiff Order'd to pay Costs according to Law. Alias Execution.

<*Willson* v. *Oliver Dismisst.*> In the Action brought against Aaron Oliver the Plaintiff being Dead the Suit is Dismisst.

<*Luten* v. *Champion.*> In the Ejectment brought by Thomas Luten Junior against Orlando Champion for One Messuage One Gardain One Orchard and four hundred Acres of Land lying neer Sandy Point in Chowan Precinct the Demurrer joyn'd being in part Argued and the Defendant Offering to wave his plea and Trye the Merritts of the Cause which the Plaintiff refused the Court are of Opinion to advise till the next Court whether the Demurrer shall be Argued [*torn*] partys Tyed down to Argue the Merritts of the Cause.

<*Newman* v. *Snell Dismisst.*> The Suit brought by John Newman against John Snell [*torn*] Prosecuted is Dismisst.

<*Newman* [*torn*].> John Pettiver and Ann his wife Executrix etc. of Isaac Willson [*torn*] Arrested to July Court last for the Summ of three pounds [*torn*] due by Account at the Suit of John Newman and [*torn*] then Considered by the Court that the said Newman should [*torn*] Marshall the like Summ of three pounds nineteen shillings [*torn*] Defendant should Appear and Answer at the next Court [*torn*] Appear. It is Consider'd by the Court that [*torn*] against the said Jno. Hacklefield for [*torn*] and eight pence which he is [*torn*].

[*Torn*] Newman against [*torn*].

<202> [*Torn*] by John Newman against Stephen Scott not being [*torn*] Dismisst.

[*Torn*] Tanner being returned not to be found at the Suit of John [*torn*] for Four pounds fifteen shillings due by Account in Court produced [*torn*] to Appear at last July Court. It was then Ordered that an [*torn*] should Issue against the said Tanner's Estate which now being returned Executed in the hands of Thos. Matthews. And the said Matthews now appearing and Confessing he hath Sufficient of the said Tanner's Estate in his hands to pay the said Debt and Costs And the Plaintiff having proved his Debt to be Due. <*Judgement is Satisfyed.*> It is therefore Considered by the Court that the said Plaintiff recover and have the like Summ of Four Pounds Fifteen shillings and Costs of the said Tanner's Estate in the hands of the said Matthews and that the said Matthews pay the Same alias Execution.

<*Charleton* v. *Miller Writt inquiry awarded.*> In the Action on the Case brought by Wm. Charleton against Jacob Miller a writt of Inquiry being awarded the last Court to be Executed at the barr this Court, No Jury being now to be gott the said Cause is Continued till the next Court and the writt of Inquiry then to be Executed.

<*West* v. *Frank Writt of inquiry etc.*> In the Action on the Case brought by Robert West against Martin Frank a writt of Inquiry being awarded the last Court to be Executed at the barr this Court, No Jury being now to be gott the said Cause is Continued till the next Court and the Writt of Inquiry then to be Executed.

<*Corlee* v. *Wilkission Dismisst.*> James Corlee failing to Appear and prosecute his Suit against James Wilkisson it is Dismisst.

<*Pagett* v. *Bray Plea Considered.*> In the Suit brought by Edward Pagett against Thos. Bray the Defendant putt in his plea and the Plaintiff pray'd time till the next Court to Consider it which is Granted.

<*Lovick* v. *Maule Continued.*> The Suit brought by John Lovick against William Maule is Continued by Consent till the next Court.

<*Luten* v. *Attkins Non Suit.*> The Suit brought by Ann Luten against David Attkins for an Assault and Battery not being prosecuted, att the Defendants Motion a Non Suit is granted him And the Plaintiff order'd to pay Costs according to Law alias Execution.

<*McCoy* [*torn*].> The Suit brought by Ann McCoy against John Clark not being Prosecuted is Dismisst.

[*Torn*] Suit brought by John Conner against William Relf not being prosecuted is Dismisst.

[*Torn*] Brought by John Conner against Wm. Smith not being Prosecuted is Dismisst.

[*Torn*] having brought Suit against Zachariah Feild and [*torn*] Since withdrawn the Same.

[*Torn*] being Granted the last Court Against the [*torn*] mentioned in the Declaration being twelve Pound [*torn*] being Executed, at the Plaintiffs motion is Continued.

[*Torn*] being Granted the last Court against the [*torn*] Declaration being Sixty Pounds [*torn*] motion is Continued.

[*Torn*].

<203> <*Legatt* v. *Wallis Continued.*> The Suit brought by David Legatt against John Wallis [*torn*] is Continued by Consent till the next Court.

<*Jarvis* v. *Tull Dismisst.*> The Suit brought by Francis Jarvis against Benj. [Tull] [*torn*] Prosecuted is Dismisst

<*Took* v. *Whittbee Attachment Continued.*> In the Suit brought by James Took against John Whittbee for Six [*torn*] the Attachment granted the Plaintiff last Court against the Defendants Estate being [*torn*] Nulla bona. Att the Plaintiffs Motion the said Attachment is Continued.

<*Whittingham* v. *Porter.*> The Suit brought by Swindals Whittingham against Edmund Porter being returned not to be found is Dismisst by the Plaintiff.

<*Vanluven* v. *Yates Plea.*> In the Suit brought by Peter Vanluven against Thomas Yates the Defendant Putt in a Speciall Plea, And at the Plaintiffs motion he has time till the next Court to Answer it.

<*Blysh* v. *Guthrie Dismisst.*> The Suit brought by John Blysh against Danll. Guthrie not being Prosecuted is Dismisst.

<*Blysh* v. *Lumley Dismisst.*> The Suit brought by John Blysh against George Lumley not being Prosecuted is Dismisst.

<*Willson* v. *Lowden Dismisst.*> The Suit brought by William Willson against John Lowden not being Prosecuted is Dismisst.

<*Willson* v. *Mackee Retraxit.*> The Suit brought by William Willson against Danll. Mackee is withdrawn by the Plaintiff being for twenty eight Pound three shillings due by obligation.

<*Bray* v. *Lysle Order* v. *Marshall.*> Henry Lysle being returned Arrested at the Suit of Thos. Bray for Ten pound Sterling due by Bill dated the 5th. day of 7ber 1717 and failing to appear Att the Plaintiffs motion It is Considered by the Court that the Plaintiff recover and have the like Summ of Ten pounds Sterling with Costs against the Marshall unless the said Defendant appears and Answers at the next Court.

<*Bray* v. *Fortee Dismisst.*> The Suit brought by Thomas Bray against Charles Fortee not being Prosecuted is Dismisst.

<*Bray* v. *Curlee Dismisst.*> The Suit brought by Thomas Bray against J. Curlee not being Prosecuted is Dismisst.

<*Bray* v. *Bradley Order* v. *Marshall.*> Henry Bradley being returned Arrested at the Suit of Thomas Bray [*torn*] Pounds due by Bill and failing to Appear Att the Plaintiffs motion [*torn*] by the Court that the Plaintiff recover and have the like Summ of [*torn*] with Costs against the Marshall unless the said Defendant appear and [*torn*] next Court.

<*Bray* v. *Jno. Bryan Dismisst.*> The Suit brought by Thos. Bray against John Bryan [*torn*] Prosecuted is Dismisst.

<*Bray* v. *Oliver Order* v. *Marshall.*> Aaron Oliver being returned Arrested at the Suit of Thos. [*torn*] Pounds Sterling due by Bill and failing to Appear att [*torn*] It is Considered by the Court that the Plaintiff recover [*torn*] Pounds with Costs against the Marshall unless the [*torn*] next Court.

[*Torn*] being returned Arrested at the Suit [*Torn*] due by Bill and failing to Appear [*torn*] the Court that the Plaintiff recover and [*torn*] the Marshall [*torn*]. <204> [*Torn*] brought by Thos. Bray against Phillip Brown not being [*torn*] is Dismisst.

[*Torn*] brought by Thomas Bray against Jean Parker not being prosecuted is Dismisst.

In the Action of Debt brought by Thos. Bray against Robert Calf for One hundred and forty Pounds Sterling Damage the Defendant Appear'd and failing now to Plead on Motion he is Granted time to putt an Issuable Plea till twenty days before the next Generall Court.

<*Bray* v. *Salisberry Dismisst.*> The Suit brought by Thomas Bray against Andrew Salisberry not being Prosecuted is Dismisst.

<*Baker* v. *Sharp Order* v. *Marshall.*> William Sharp being returned arrested at the Suite of Henry Baker Assignee of Robert Farret for twenty Pounds Sterling Damage And failing to Appear at the Plaintiffs motion It is Considered by the Court that the Plaintiff recover and have the like Summ of twenty Pounds Sterling with Costs against the Marshall unless the Defendant appear and answer at the next Court.

<*Thompson* v. *Calf Plea.*> In the Action brought by Wm. Thompson against Robert Calf for One hundred Pounds Sterling Damage the Defendant Offer'd to appear which was Opposed by the Plaintiffs Attorney who moved the Court that the Defendant should give Speciall Bail which was Order'd accordingly. Whereupon Robert Hicks acknowledged himself Bail and that he would pay the Condemnation of the Court if the said Robert Calf did not.

<*Pettiver* v. *Golding Oyer.*> In the Action of Debt brought by John Pettiver against Palmer Golding for twenty Pound Sterling Damage the Defendant Appear'd and pray'd Oyer of the Declaration and the writing therein mentioned which is Granted till the next Court.

<*Calf* v. *Grille Dismisst.*> The Suit brought by Robert Calfe against Richard Grills not being Prosecuted is Dismisst.

<*Odam* v. *Jones Dismisst.*> The Suit brought by Richd. Odam against Jemegan Jones not being Prosecuted is Dismisst.

<*Pike Executrix etc.* v. *Palin Imparlance.*> In the Action brought by Jean Pike widow Administratrix etc. of Patrick McGregor and Gregor McGregor against John Palin for Detaining Sundry Slaves etc. the Defendant appear'd and pray'd an Imparlance till the next Court which was Granted.

[*Torn*] William Parker being returned Arrested at the Suit of Thos. Swann for One hundred Pounds Sterling Damages and failing to Appear at the Plaintiffs Motion It [*torn*] Considered by the Court that the Plaintiff recover and have the like Summ of One hundred pounds Sterling against the Marshall unless the Defendant Appear and answer [*torn*] next Court.

[*Torn*] Suit brought by Thomas Swann against Solomon Hues for [*torn*]itt being returned that a Coppy thereof was left at the Dwelling [*torn*] the Defendant And the Defendant in failing to Appear att the Motion [*torn*] Plaintiff an Attachment is Granted against the Defendants Estate And it is [*torn*] the Marshall or his Deputy Seize so much [*torn*] Defendants Estate [*torn*] in this Government as will Satisfy the said [*torn*] Secure the Same that further Proceed [*torn*] Law at the next Court.

<205> <*Royall* v. *Roper Dismisst.*> The Suit brought by John Royall against Thos. Roper [*torn*] is Dismisst.

<*Gaddin* v. *Tull Dismisst.*> The Suit brought by Thomas Gaddin against Thomas Tull [*torn*]secuted is Dismisst.

<*Calfe* v. *Wilkisson Dismisst.*> The Suit brought by Robert Calf against Jams. Wilkisson not [*torn*] Prosecuted is Dismisst.

<*Palmer* v. *Breakinrigg Dismisst.*> The Suit brought by Paul Palmer against Margt. Breakinrigg not being Prosecuted is Dismisst.

<*Morgan* v. *Wingate Dismisst.*> The Suit brought by Joseph Morgan against John Wingate not being Prosecuted is Dismisst.

<*Morgan* v. *Webster Order* v. *Marshall.*> William Webster being returned Arrested at the Suit of Josph. Morgan for Forty Pounds Sterling due by Account and failing to Appear at the Plaintiffs Motion. It is Considered by the Court that the Plaintiff recover and have the like Summ of Forty Pounds Sterling with Costs against the Marshall unless the Defendant appear and Answer at the next Court.

<*Morgan* v. *Bight Order* v. *Marshall.*> James Bight returned Arrested at the Suit of Josph. Morgan for twelve pounds Sterling due by Account and failing to Appear at the Plaintiffs motion It is Consider'd by the Court that the Plaintiff recover and have the like Summ of twelve pounds Sterling with Costs against the Marshall unless the Defendant appear and answer at the next Court.

<*Clayton* v. *Guard.*> The Ejectment brought by Henry Clayton against John Gard not being Prosecuted is Dismisst.

<*Blewlett* v. *Rodewell.*> In the Action on the Case brought by Abraham Blewlett against Samll. Rodewell for thirty Six Pounds Damage by reason of the Plaintiffs having found the Defendant meat Drink washing and Lodging etc. as is Sett forth in the Declaration the Defendant appear'd and putt in his Plea and the Plaintiff moved for time to Answer it till the next Court which is Granted.

<*Took* v. *Handrey Dismisst.*> The Suit brought by James Took against Thomas Handry not being Prosecuted is Dismisst.

<*Took* v. *Newman Order* v. *Marshall.*> John Newman being Arrested at the Suit of James Took for thirteen pound Damage due by Account And failing to Appear at the Plaintiffs [*torn*] It is Considered by the Court that the Plaintiff Recover and have the [*torn*] thirteen Pounds with Costs against the Marshall unless the Defendant Appear [*torn*] at the next Court.

<*Johnson* v. *Carter Order* v. *Marshall.*> Edward Carter being returned Arrested at the Suit of John Johnson [*torn*] Pounds Damage And failing to Appear at the Plaintiffs motion [*torn*] by the Court that the Plaintiff recover and have the like Summ [*torn*] and Fifty Pounds with Costs against the Marshall unless the Defendant [*torn*] Answer at the next Court.

<*Johnson* v. *Carter Order* v. *Marshall.*> Edward Carter being returned Arrested at the Suit of John [*torn*] Damage And failing to Appear at the Plaintiffs [*torn*] Court that the Plaintiff recover and have the like Summ [*torn*] against the Marshall unless the Defendant Appears [*torn*].

[*Torn*].

<206> [*Torn*] brought by John Dunn against Patrick Callihan for twenty eight Pounds [*torn*] writt being returned that a Coppy thereof was left at the dwelling [*torn*] Defendant and the Defendant now failing to Appear at the Motion of [*torn*] an Attachment is granted against the Defendants Estate for the Debt and Costs aforesaid [*torn*] Compell him to Appear at the next Court etc.

[*Torn*] The Suit brought by William Reed against William Upton not being Prosecuted is Dismisst.

<*Reed* v. *Scarbro'.*> The Suit brought by William Reed against Mackrera Scarbro' not being Prosecuted is Dismisst.

<*Reed* v. *Scarbro' and Miller Dismisst.*> The Suit brought by William Reed against Mackrora Scarbro' and Thomas Miller not being prosecuted is Dismisst.

<*Morgan* v. *Dudley Continued.*> The Suit brought by Joseph Morgan against Christopher Dudley for three Pounds ten shillings and Seven pence is Continued till the next Court the Partys being on Agreement.

<*Morgan* v. *Lewis.*> The Suit brought by Joseph Morgan against William Lewis for Six pound Nine shillings and Six pence half penny is Continued till the next Court the partys being on Agreement.

<*Morgan* v. *Shackleton.*> The Suit brought by Joseph Morgan against Joseph Shackleton for eight pounds Seven shillings and seven pence Sterling is Continued till the next Court the partys being in Agreement.

<*Morgan* v. *Stone.*> The Suit brought by Joseph Morgan against William Stone for five Pound three pence half penny Sterling is Continued till the next Court the partys being on agreement.

<*Morgan* v. *Weeks.*> The Suit brought by Joseph Morgan against Ezekiel Weeks for three Pounds four shillings and Six pence Sterling is Continued till the next Court the partys being on agreement.

<*Morgan* v. *Daw.*> The Suit brought by Joseph Morgan against William Daw for Six Pounds thirteen shillings and eight pence Sterling is Continued till the next Court the partys being on agreement.

<*Morgan* v. *Martin.*> The Suit brought by Joseph Morgan against William Martin for four pounds Fifteen shillings and three pence Sterling is Continued till the next Court the partys being on Agreement.

<*Morgan* v. *Gullson.*> The Suit brought by Joseph Morgan against John Gullson for thirteen pounds fourteen shillings and four pence Sterling is Continued till the next Court the partys being on agreement.

[*Torn*] The Suit brought by Joseph Morgan against Joseph Hall for Six Pounds Fifteen shillings and Seven pence Sterling is Continued till the next Court the partys being on agreement.

[*Torn*] Suit brought by Joseph Morgan against Lodwick Martin for Six Pounds [*torn*]teen and Six pence Sterling is Continued till the next Court the [*torn*] being on Agreement.

[*Torn*] brought by Joseph Morgan against Thomas Phillips for three Pounds [*torn*]ings and one penny Sterling is Continued till the next Court the [*torn*] bring on agreement.

[*Torn*] brought by Joseph Morgan against James Welch [*torn*] Pounds [*torn*]ngs and Six pence Sterling is Continued till [*torn*] the [*torn*] on Agreement.

[*Torn*] by Joseph Morgan against Henry [*torn*] and eight Pence Sterling [*torn*]

[*Torn*].

<207> <*Morgan* v. *Rd. Bright.*> The Suit brought by Joseph Morgan against Richard Bright for Two Pounds eighteen shillings and four pence Sterling is Continued untill the next Court the partys being on agreement.

<*Morgan* v. *Anlin Dismisst.*> The Suit brought by Josep Morgan against Sippio Anlin not being Prosecuted is Dismisst.

<*Diskin* v. *Martin.*> In the Action brought by Danill Diskin against William Martin for Eight Barrells of Pitch the Defendant being return'd not to be found and now failing to Appear at the Motion of the Plaintiff an Attachment is granted against the Defendants Estate for the aforesaid Debt and Costs so as to Compell him to Appear at the next Court etc.

<*Pagett* v. *Flowers.*> In the Action brought by Samuel Pagett against John Flowers and Elizabeth his wife for twenty Pound Damages the Plaintiffs Evidence not being Ready at Court the Cause is Continued till next Court.

<*Newman* v. *Mixon Attachment.*> In the Suit brought by John Newman against John Mixon for Ten Pounds Damage the Defendant being returned Arrested and now failing to Appear; Att the Plaintiffs Motion an Attachment is Order'd to Issue against his Estate for the like Summ of Tenn Pounds Sterling with Costs so as to Compell him to appear etc. at the next Court.

<*Newman* v. *Mixon Attachment.*> In the Suit brought by John Newman against John Mixon for Six Pounds Fourteen shillings Damage the Defendant being return'd Arrested and now failing to Appear, Att the Plaintiffs Motion an Attachment is Order'd to Issue against his Estate for the like Summ of Six pounds Fourteen shillings with Costs so as to Compell him to Appear etc. at the next Court.

<*Newman* v. *Snell Administratrix.*> In the Suit brought by John Newman against Betthia Snell Administratrix etc. of Jno. Snell for Twenty Six Pounds eight shillings Sterling Damage the Defendant being return'd Arrested, And, now failing to Appear att the Plaintiffs motion an Attachment is Order'd to Issue against her Estate for the like Summ of twenty Six Pounds eight shillings Sterling with Costs so to Compell her to Appear etc. at the next Court.

<*Newman* v. *Jennett Dismisst.*> The Suit brought by John Newman against John Jennett not being Prosecuted is Dismisst.

<*Latthinghouse* v. *Palmer Order* v. *Marshall.*> Paul Palmer and Joanna his wife being returned arrested at the Suit of Andrew Latthinghouse for Tenn Pounds Sterling Damage And failing to appear; at the Plaintiffs Motion, It is Considered by the Court that [*torn*] recover and have the like Summ of Ten Ponds Sterling with [*torn*] Marshall unless the Defendant Appear and Answer at the next [*torn*].

<*Smith widdow* v. *Mann Dismisst.*> The Suit brought by Sarah Smith Widow against Thos. Mann [*torn*] Prosecuted is Dismisst.

<*Gray etc.* v. *Stephenson.*> Andrew Stephenson being returned Arrested at the Suit [*torn*] Assignee of Joseph Circmore for One hundred Pounds [*torn*] and failing to Appear at the Plaintiffs Motion It is Cons[*torn*] that the Plaintiff recover and have the like Summ of One [*torn*] Costs against the Marshall unless the Defendant Appear [*torn*].

[*Torn*] by Edmund Kearney Assignee of Timothy [*torn*] Benton and Thomas Jernagan for [*torn*] pounds of Tobacco to be paid in [*torn*] pound five shillings [*torn*] Pounds of [*torn*] Appear [*torn*] against the [*torn*] <208> thousand Seven hundred and fifty Pounds of Tobacco And also the Summ of One pound five shillings Current money, And also the Summ of Four hundred fifty and five pounds of Tobacco against the said Marshall with Costs unless the said Defendant appear and Answer at the next Court.

<*Paris* v. *Blitchenden Order* v. *Marshall.*> Thomas Blitchenden being return'd Arrested at the Suit of Thos. Paris for Fifteen shillings due by Obligation And failing to Appear at the Plaintiffs motion It is Considered by the Court that the Plaintiff recover and have the like Summ of Fifteen Pounds Fifteen shillings with Costs of Suit against the Marshall unless the Defendant Appear and Answer unto the next Court.

<*Williams* v. *Birkett Order* v. *Marshall.*> John Birkett being returned Arrested at the Suit of Jenkin Williams for two hundred Pounds Sterling due by Obligation And failing to Appear at the Plaintiffs Motion It is Considered by the Court that the Plaintiff recover and have the like Summ of Two hundred Pounds Sterling with Costs against the Marshall unless the Defendant Appear and Answer at the next Court.

<*Betterly* v. *Perishaw Dismisst.*> The Suit brought by Thomas Betterly against James Perishaw not being Prosecuted by the Plaintiff is Dismisst.

<*Hardy* v. *Molton Attachment.*> In the Suit brought by John Hardy against John Molton for Six Pounds Sterling Damage the Defendant being returned Arrested and now failing to appear at the Plaintiffs motion an Attachment is Order'd to Issue against his Estate for the like Summ of Six Pounds Sterling with Costs And that the Marshall Execute and make returne thereof to the next Court.

<*Monk* v. *Badham.*> The Suit brought by George Monk against William Badham not being Prosecuted is Dismisst.

<*Moseley* v. *Badham et alii.*> In the Action brought by Collonel Edward Moseley against Wm. Badham Jams. Williamson and Thos. Paris at the Plaintiffs motion is Continued till the next Court.

<*Pollock* v. *Grills Dismisst.*> The Attachment obtained by Collonel Thos. Pollock against the Estate of Richard Grills not being prosecuted is Dismisst.

<*Calfe* v. *Rooks Dismisst.*> The Suit brought by Robert Calfe against John Rooks not being Prosecuted is Dismisst.

Adjourn'd to the next Court in Course.

Fred. Jones Ch. Justice

[*July 1719*]

[*CCR 103*]

<16> North Carolina Ss.

Att a Generall Court held for the said Province at the Court house at Queen Anns Creek in Chowan Precinct the 28th. July 1719 and Continued to the 1st. of Augst. following. Present Jno. Blount and Jno. Hardy Esqrs.

The Court being Open'd Satt and Adjourned till tomorrow morning 8 a Clock.

July the 29th. 1719, The Court mett according to Adjourmment. Present Frederick Jones Esqr. Cheif Justice John Blount John Hardy Thos. Miller Thos. Harvey and John Worley Esqrs. Major Robert West Benjn. West and Thos. Pollock Esqrs. took and Subscrib'd the Severall Oaths by Law Appointed and their places in the Court.

<*Moseley and Moore Recognizance.*> Collonel Edwd. Moseley and Collonel Maurice Moore appear'd and moved this Court that their Appearance might be Recorded to Save them and their Bail. And it was accordingly Recorded. They also moved that their Recognizances might for Error in the Comittment whereby they Stand Comitted. And for Error in the Recognizances for their Appearance The Court over Ruled the Errors. And Order'd that the Recognizances be Continued till the third day of the Court being the day for the Crown business.

<17> The Court adjourn'd till tomorrow morning 9 a Clock.

July the 30th. 1719 The Court mett according to Adjournment Present as above.

The Grand Jury are Impannelled and Sworn. Collonel William Maule Foreman. Wm. Charleton Senior, Samll. Phelps, Geo. Winns, Wm. Crawford Jno. Cotton Jams. Brown, John Plowman Danl. Hick, Samll. Pagett. Thos. Garrett. Griffeth Jones, Thos. Rountree Lazs. Thomas Jams. Boon Johnan. Evans.

Wm. Brasswell being bound by Recognizance to Appear at this Court made his Appearance and nothing appearing against him Order'd that he be Dismisst.

Joseph Darden being bound by Recognizance to Appear at this Court Appear'd And the said Darden not having fully Satisfyed the Court by the Depesition he produced Orderd that he be Continued by the Recognizance to Appear at the next Court etc.

Joseph Darden and Wm. Brasswell acknowledge themselves to be Indebted to our Sovereign Lord the King in the Summ of two hundred pounds Current money of Great Brittain to be Levyed on their Lands and Tenements goods and Chattells with Condition That the said Joseph Darden shall personally appear before the Cheif Justice and Justices for holding the Generall Court of this Province the last Tuesday in October next then and there to answer and give Evidence to Such Causes matters and things as shall be Alleadged against and required of him and not depart the said Court untill he shall be discharged therefrom then this Recognizance to be Void else to be and remain in full force and Vertue.

Mary Worseley being bound to Appear at this Court made her appearance and acknowledged her Offences and is fined by the Court the Summ of Tenn Pounds for the Same, which being paid in Court Order'd that she be Dismisst.

Upon the Returne of the Grand Jury they Present the following Indictments to the Court.

North Carolina Ss.

To the Honorable Frederick Jones Esqr. Cheif Justice and to the rest of the Justices for holding the Generall Court for the Province of North Carolina.

<*Moseley Edwd. Indictment.*> The Jurors for our Sovereign Lord the King upon their oaths do present that the Seven and twentieth day of December 1718 Edward Moseley of Chowan Precinct in the County of Albemarle in the Province aforesaid Esqr. Malitiously intending and imagining Charles Eden Esqr. then Governor Commander in Cheif and Admirall of the Province aforesaid into the Hatred and Evil opinion of all his Majesties good and faithfull Subjects the Inhabitants of this Province to bring and the good Goverment <18> diligent and just Administration of him the said Charles Eden as Governor to Detract asperse and Contemp and to move and Stirr up Debates Strifes differences Sedition Discord and Dissention within this Province to the endangering the Destruction and Subersion of the good Government thereof and to the ruin and Disturbance of the Kings Peace at Sandy Point in Chowan Precinct aforesaid advisedly and with Malitious and Seditious intent against the said Charles Eden then Governor. He the said Edwd. Moseley did Malitiously openly Contemptuously and Opprobriously in the presence of Divers his Majestys good and faithfull Subjects Inhabitants within this Province Speak Publish utter and Declare these false Malitious Scandalous Opprobrious and Seditious words and Speeches following Videlicet I wonder that you (one Jno. Blount Esqr. a Justice of Peace then there being meaning) should be concerned in so foolish and frivolous a business but 'tis like their Proceedings (the said Charles Eden then Governor Frederick Jones Esqr. then Cheif Justice of this Province and other Majastrates and good and faithfull Subjects of our Lord the King there being with the said Governor) removing him the said Moseley and others who had unlawfully taken into their possession the Records of this Province, the Journalls of the Councell, the Collony Seal the Secretarys Office and the papers thereto belonging and they (the said Governor Cheif Justice and others meaning) will be ashamed of it they (the said Governor Cheif Justice and others with him again meaning) could easily procure Armed men to come and Disturb Quiett and honest men (himself and others who had so possessed themselves of the Records and Office etc. meaning) but could not (tho' such a Number would have done) raise them to Destroy Thach (one Edwd. Thache formerly a Pirate meaning) but instead of that he (the said Thache meaning) was Suffered to go on in his Vilanies, my Comittment is illegall (meaning his being then in Custody by the Commands of the said Governor) It is like the Commands of a German Prince I (himself again meaning) hope to See the Governor (the said Charles Eden again meaning) who has so Illegally Comitted me a Prisoner himself soon in Irons and Sent home to Answer what he has done here, And I (himself again meaning) will Endeavour to blacken his Charecter (the Governor again meaning) as much as is in my power. And then of his farther Malitious and Seditious intent to Stirr up the people and to procure the Disturtance and ruin of the Kings Peace proceeded appealing to the People and By

Slanders in these other Seditious words and Speeches, Is not this a hard Case the Liberty and property of the Subject is taken away by these Illegal Proceedings And you are as lyable to have yours Destroy'd as ours now are to the great Scandall and Defamation of him the said Charles Eden Governor of this Province and the Government thereof to the moving and incitement of Discord and Sedition within this Province and Danger of the Subversion of the Laws and Constitutions of this Province against the Peace and in Contempt of our Lord the King that now is his Crown and Dignity and Contrary to the form of the Statutes in Such Cases made and Provided.

Danll. Richardson pro Domino Rege.

<19> Upon the returne of which Indictment The Question was Asked by the said Moseley's Councell how many of the Jury were agreed in the Indictment the Foreman Answered all.

Collonel Edward Moseley Informed this Court that he was very Crediblly inform'd that Sundry reputable Persons in Divers parts of the Country to the Number of thirty were Summoned by the Marshalls of the Severall Precincts to Serve as Grand Jury men for the body of this Government that the greatest part of them attended, but by some practices as the said Moseley Suggests there was but Sixteen returned. He therefore moved that this Court would admitt him to produce Persons to make proofs of the Summons of Sundry Grand Jurymen that were Sumoned and not returned altho' they were present in Court. Or that the Officers might be called and Examined on Oath Concerning the Sumons and Returnes.

The Court were of Opinion that Mr. Moseley might Call any Evidence to prove any ill practice in the Marshall or any of the Officers, but he not doing that and there not appearing any thing in this matter contrary to the Constant method and Practice in this Court for Sumoning and Impannelling Grand Jurys and Jurys. And the Officers of this Court being upon their oaths in their places. It is the Opinion of the Court that they ought not upon this Motion and Suggestion to be Sworn now and Examined whether they have been Guilty of any evil Practice in this matter. Whereupon the Court Order'd the Indictment to be read which was accordingly read, And then the said Edwd. Moseley moved that he might have time till the next Court to answer the said Indictment. And the said Moseley making oath that he had Evidences which he believ'd materiall who were out of the Government Order'd that the Tryall be referr'd till the next Court And also that the said Moseley Enter into bond with Security to Appear the third day of the next Generall Court etc. And it is further Order'd that the said Moseley Plead tomorrow.

Collonel Edwd. Moseley and Major Thomas Luten acknowledge themselves to be indebted to our Sovereign Lord the King in the Summ of One thousand Pounds each Current money to be Levyed on their Lands and Tenements goods and Chattells with Condition That if the said Edward Moseley do Personally Appear before our Cheif Justice and Justices for holding the Generall Court of this Province at the Court house at Queen Ann's Creek in Chowan Precinct the last Tuesday in 8ber next on the third day of the said Court then and there answer to Such matters and things as is laid to his Charge by Indictment and not Depart the Court untill he shall be Discharged therefrom and that in the mean time he be of

his good behaviour then this Recognizance to be Void Else to remain in full force and Vertue.

<20> Adjourn'd till tomorrow morning 9 a Clock.

July 31 1719 The court mett according to Adjournment Present as before.

Upon the returne of the Grand Jury they Present the following Indictment to the Court.

North Carolina Ss.

To the Honorable Frederick Jones Esqr. Cheif Justice and to the rest of the Justices for holding the Generall Court for the Province of North Carolina.

<*Dominus Rex* v. *Mau. Moore, Thos. Luten, Jos. Moore Ed. Moseley, Hen. Clayton.*> The Jurors for our Sovereign Lord the King upon their Oaths do present that Maurice Moore Esqr. Thos. Luten Junior Esqr. Joseph Moore Labourer and Edward Moseley Esqr. all of Chowan Precinct in the County of Albemarle aforesaid And Henry Clayton of Pequimans Precinct in the County and Province aforesaid Gentleman the Six and twentieth day of December 1718 at Sandy Point in Chowan Precinct aforesaid with force and Armes into a Certain dwelling house then in the possession of John Lovick Deputy Secretary of and for this Province wherein the Records of this Province the Journalls of the Councill, the Collony Seal were then being the Secretarys Office and the Navall Office for the District of Roanoak were then kept did unlawfully Enter and the said House did fasten and nail up and him the said John Lovick from the Possession of the said House Records, Journall, Seal and Offices with like force and Armes did by the Space of twenty hours Riotously hold and keep against the Peace of our Sovereign Lord the King that now is his Crown and Dignity and against the force of the Laws in Such Case made and Provided.

Danll. Richardson pro Domino Rege.
Not Guilty Edwd. Moseley, M. Moore.

To which Indictment being read Edward Moseley and Maurice Moore Plead not Guilty.

Order'd that Collonel Edward Moseley and Maurice Moore give bond with Security in the Summ of One thousand Pounds Each for their appearance here the third day of the next Court to Answer the Indictment found by the Grand Jury and that in the mean time they be of their good behaviour.

Upon which Collonell Edward Moseley and Major Thomas Luten acknowledge themselves to be indebted to our Sovereign Lord the King in the Summ of One thousand Pounds each to be Levyed upon their Lands and Tenements goods and Chattells with Condition That if the said Collonell Edward Moseley do personally appear here the third day of the next Court and Answer the Indictment found by the Grand Jury And not Depart the Court untill Discharged therefrom And that in the mean time he be of his good behaviour then this Recognizance to be Void else to remain in full force and Vertue.

Collonel Maurice Moore and Thos. Swann acknowledge themselves to be indebted to our Sovereign Lord the King in the Summ of <21> One thousand Pounds each Current money to be Levyed on their Lands and Tenements goods and Chattells with Condition That if the said Collonel Maurice Moore do Personally Appear here the third day of the next Court and Answer the Indictment

found by the Grand Jury and not Depart the Court untill discharged therefrom and that in the mean time he be of his good behaviour then this Recognizance to be Void else to remain in full force and Vertue.

Upon the Motion of the Attorney Generall Order'd that process do Issue to take into Custody Thos. Luten Junior Joseph Moore Labourer and Henry Clayton untill they give bound with Security in the Penalty of One thousand Pounds for their Appearance here the third day of the next Court to Answer the Indictment found against them and Collonel Moseley and Collonel Moore by the Grand Jury. Henry Clayton and Thomas Betterley acknowledge themselves to be indebted to our Sovereign Lord the King in the Summ of One thousand Pounds each to be Levyed upon their Lands and Tenements goods and Chattells with Condition That if the said Henry Clayton do Personally Appear here the third day of the next Court and Answer to the Indictment found by the Grand Jury against him and others and not Depart the Court untill Discharged therefrom, And in the mean time he be of his good behaviour then this Recognizance to be Void else to remain in full force and Vertue.

Thomas Luten Junior and Captain Henry Bonner acknowledge themselves to be indebted to our Sovereign Lord the King in the Summ of One thousand Pounds each Current money to be Levyed upon their Lands and Tenements goods and Chattells with Condition That if the Said Thomas Luten Junior do personally appear here the third day of the next Court and Answer to the Indictment found by the Grand Jury against him and others and not depart the Court untill Discharged therefrom and in the mean time he be of his good behaviour then this Recognizance to be Void Else to remain in full force and Vertue.

<*Boyd Thos. Recognizance.*> Thomas Boyd being bound to Appear at this Court by Recognizance made his appearance and nothing appearing against him Order'd that he be Dismisst.

<*Presentment* v. *Hassell.*> The Grand Jury Presents John Hassell for living in Adultery many Years, they likewise present the said Hassell for Blasphemous words and Discorses at Severall times.

<*Presentment* v. *Wilks.*> Charles Wilks for being in Open Adultery.

<*Presentment* v. *Brinn.*> Mary Brinn for keeping Company with Charles Wilks and causing his wife to leave him by threatning Speeches.

<*Presentment* v. *Jno. Myers.*> John Myers for taking a way the wife of Thomas Portis and keeping Company with her.

<*Presentment* v. *Wm. Branch.*> William Branch Retailing Liquor without Licence and <22> Selling [*illegible*] and [Victualls] Contrary to the Law of this Province.

<*Presentment* v. *Jno. White.*> [*Illegible*] White Senior Selling Liquor without a Licence. Order'd that Venire's do Issue out against John Hassell, Charles Wilks, Mary Brinn, John Myer, Wm. Branch and John White Senior to Cause them to appear here the third day of the next Court to Answer the presentment of the Grand Jury. And that the Attorney Generall have Copys of the Presentments. The Court having ask'd the Grand Jury if they had any farther Presentments to Offer and they answering No. Order'd that they be Discharged.

Adjourn'd till tomorrow morning 8 a Clock.

August the 1st 1719. The Court mett according to Adjournment. Present as before. Read the Orders of the Court and Adjourn'd to the Court in Course.

[*October 1719*]

[*CCR 105*]

<209> North Carolina Ss.

Att a Generall Court held for the said Province at the Court House at Queen Ann's Creek in Chowan Precinct the 27th. 8ber 1719 And Continued by Adjournment to the 3d. day of Novr. follewing. Present Frederick Jones Esqr. Cheif Justice John Blount John Hardy, John Palin, John Worley, Robt. West and Thos. Pollock Esqrs.

Upon the Motion of Thos. Spivey Senior, Abrm. Spivy, Benjn. Spivy, and Jacob Spivy who were Comitted into the Custody of the Marshall by Thos. Roundtree and Jno. Parker Esqr. Justices of the Peace for the Precinct of Chowan upon Complaint of Nichos. Hunter for Suspition of Hoggstealing and Order'd that they be Dismiss'd for Error in the Comittment.

<*West* v. *Frank.*> In the Suit brought by Robert West against Martin Frank for thirteen pair of Millstones a writt of Enquiry being awarded last Court is return'd by the Jury this Court in these words (Videlicet) We of the Jury find for the Plaintiff (if to be Deliver'd here) thirty Four pounds two shillings and Six pence and if Deliver'd in Neuse, twenty pounds, Upon which Major Robert West being Examined relating to the Delivery of the Millstones, And having made it Appear by his oath that they were to be Deliver'd here It is Consider'd by the Court that the Plaintiff recover and have against the Defendant the like Summ of thirty four pounds two Shillings and Six pence with Costs of Suit alias Execution.

<*Bray* v. *Calf.*> In the Action brought by Thomas Bray against Robt. Calf for One hundred and forty pounds Sterling due by Bond. On the Motion of the Plaintiff and by consent of Robert Hicks the Defendants Attorney the Court do Order That all matters relating to the said Bond as well as all other Accounts and Differences between the said Bray and Calf be fully Settled and Adjusted by Danll. Richardson Esqr. Jno. Palin Esqr. and Wm. Bedham or any two of them at Mr. Ogleby's this 2d. Novr. And that the said Hicks do pay to the said Bray all moneys due from the said Calf to the said Bray on the report of the said Danll. Richardson Esqr. Jno. Palin Esqr. and Wm. Badham or any two of them And upon either of the said Party's failing to Appear the report of the said Danll. Richardson Esqr. Jno. Palin Esqr. and Wm. Badham or any two of them to Stand in full force and Execution to Issue [*torn*] Generall Court thereon for the Summ so reported to be due [*torn*] either party.

<*Luten* v. *Champon.*> In The Ejectment brought by Thomas Luten Junior against Orlando [Champion] [*torn*] is referr'd till the last day of the Court.

<*Charleton* v. *Miller.*> In the Suit brought by Wm. Charleton against Jacob Miller [*torn*] Millstones a writt of Enquiry being awarded last Court [*torn*] Jury

at this Court in these words (Videlicet) Wee of the [*torn*] Plaintiff Eighteen Pounds Fifteen shillings with Costs. [*Torn*] [Order'd] by the Court that the said Plaintiff recover and [*torn*] Summ of Eighteen pounds Fifteen shillings [*torn*].

[*Torn*] brought by Edwd. Pagett against Tho [*torn*] at the motion of the Plaintiff a Non Suit [*torn*].

[*Torn*] Winefred Boyd against [*torn*] Plaintiff obtain'd an Attachment [*torn*]. <210> <*Boyd* v. *Lumley. Execution.*> In the Suit brought by Winefred Boyd against George Lumley for Sixty Pounds the Plaintiff had an Attachment against the Defendants Estate that Court which is return'd Nulla bona Att the Plaintiffs Motion an Execution is Granted against the said Defendant for the said Debt and Costs.

<*Boyd* v. *Whedbee Execution.*> In the Suit brought by Winefred Boyd against John Whedbee for Five pounds the Plaintiff had an Attachment against the Defendants Estate last Court which is return'd Nulla bona. Att the Plaintiffs motion an Execution is granted against the said Defendant for the Debt aforesaid with Costs.

<*Legatt* v. *Wallis Order* v. *Marshall Confirm'd.*> John Wallis being return'd Arrested to October Court last for Nine pounds twelve shillings due by Bill at the Suit of Davd. Legatt and then failing to appear it was then Considered by the Court that the said Legatt should recover and have against the Marshall the like Summ of Nine Pounds twelve shillings unless the Defendant should Appear and Answer at the next Court And now the Defendant also failing to Appear It is Considered by the Court that the Order of the last Court be Confirm'd against the Marshall for the like Summ of twelve [*blank*].

<*Tooke* v. *Whedbee. Execution.*> In the Suit brought by Jams. Tooke against John Whedbee for Sixteen Pounds, the Plaintiff had an Attachment against the Defendants Estate last Court which is return'd Nulla Bona at the Plaintiffs Motion Execution is Granted against the Defendant for the aforesaid Debt and Costs.

<*Bray* v. *Lysle Continued.*> In the Suit brought by Thos. Bray against Henry Lysle for Ten pounds Sterling due by bill Dated the 5 7ber 1717 and Continued till the next Court, the Defendant is to putt in Issuable Plea 10 days before the next Court.

<*Bray* v. *Oliver Order* v. *Marshall Confirm'd.*> The Suit brought by Thos. Bray against Aaron Oliver for Six Pounds Sterling due by Bill the Defendant failing to Appear last Court being return'd Arrested And now also failing to Appear, Order'd that the Order last Court be Confirm'd against the Marshall for the aforesaid Debt and Costs. Judgment Satisfyed.

<*Bray* v. *Henry Bradley Order* v. *Marshall Confirm'd.*> The Suit brought by Thos. Bray against Henry Bradley for Eight Pounds due by Bill, the Defendant failing to Appear last Court being return'd Arrested, And now allso failing to Appear, Order'd that the Order of last Court be Confirm'd against the Marshall for the Debt for which the Plaintiff brought Suit with Costs.

<*Bray* v. *Bryan Order* v. *Marshall Confirm'd.*> The Suit brought by Thos. Bray against Edward Bryan for Seven Pounds Sterling Due by Bill the Defendant failing to Appear last Court being return'd Arrested, And now also failing to Appear, Order'd that the Order of last Court be Confirm'd against the Marshall for the Debt aforesaid for which the Plaintiff brought Suit with Costs.

[*Torn*] Suit brought by Henry Baker against Wm. Sharp for One thousand Pounds of Tobacco Due by [*blank*] the Defendant failing to Appear last Court [*torn*] return'd Arrested, And now also failing to Appear, Order'd that the [*torn*] of last Court be Confirm'd against the Marshall for the Debt aforesaid [*torn*] the Plaintiff brought Suit with Costs.

[*Torn*] to the Court in Course.

Fred. J[ones] [*illegible*]

[*October 1719*]

[*CCR 103*]

<22> North Carolina Ss.

Att a Generall Court held for the said Province at the Court house at Queen Ann's Creek in Chowan Precinct the 29th October 1719 and Continued to the 3d. day of Novr. following. Present Frederick Jones Esqr. Cheif Justice, John Blount, John Hardy, John Palin, John Worley, Thos. Pollock Junior, Major Robt. West Esqrs.

The Grand Jury are Impannelled and Sworne. John Bell Foreman. Thos. Ashley, Samll. Phelps, John Williams, Lews. Davis, Thos. Ball, Michll. King, Martin Gardner, Jams. Ruttland, Griffeth Jones, Wm. Willson, Lau. Mague, Jams. Bell, Edwd. James, Edward Moore, Johnan. Evans, John Falconar.

<*Dominus Rex* v. *Moseley.*> Collonel Edward Moseley being bound by Recognizance to Appear at this Court to Answer an Indictment found against him by the Grand Jury last Court made his Appearance.

<*Dominus Rex* v. *Moore.*> Maurice Moore being bound by Recognizance to Appear at this Court to answer an Indictment found against him by the Grand Jury last Court made his Appearance.

<*Dominus Rex* v. *Luten.*> Thos. Luten Junior being bound by Recognizance to Appear at this Court to Answer an Indictment found against him by the Grand Jury last Court made his Appearance.

<*Dominus Rex* v. *Moseley.*> Collonel Edward Moseley being bound by Recognizance to Appear at this Court to Answer an Indictment found against him and others by the Grand Jury last Court made his Appearance.

<23> <*Dominus Rex* v. *Clayton.*> Henry Clayton being bound by Recognizance to Appear at this Court to answer an Indictment found against him and others by the Grand Jury Last Court made his Appearance. Which Indictment being Read Henry Clayton and Thos. Luten Junior Severally pleaded Not Guilty.

Order'd that Collonel Edward Moseley Appear at this Court tomorrow morning 10 a Clock upon his Recognizance.

Order'd that Collonel Edwd. Moseley, Maurice Moore, Thos. Luten Junior and Henry Clayton Appear at this Court tomorrow morning Ten a Clock upon their aforesaid Severall Recognizances.

<*Presentment* v. *Spivy's.*> The Grand Jury Presents Thos. Spivy, Abra. Spivy, Benjn. Spivy and Jacob Spivy for Hoggstealing by the Information of Nicho. Hunter Robt. Chappell and Mary Chappell Evidences.

The Grand Jury Presents Abraham Spivy for mismarking of Hoggs by the

Information of Nichos. Hunter Richd. Bond Wm. Ashley and Jos. Ashley wittnesses.

The Grand Jury Presents Thos. Spivy Abram. Spivy Benjn. Spivy and Jacob Spivy for breaking the Sabbath Inform'd by the oath of Mary Chappell.

<*Presentment* v. *Boulton.*> The Grand Jury Presents Jams. Boulton Cohabitting with and Seduceing Mary Jennings the wife of Wm. Jennings Senior from her husband by the Information of Jno. Bell.

<*Presentment* v. *Pendleton.*> The Grand Jury Presents Henry Pendleton for breaking the Sabbath by the Information of John Bell.

<*Presentment* v. *Low.*> The Grand Jury Presents Emall. Low for breaking the Sabbath with three of his Negro's with him by the Information of James Bell.

<*Presentment* v. *Relf and Faircloth.*> The Grand Jury Presents John Relf and Edwd. Faircloth Overseers of the Road for not keeping the Roads in repair according to Law by the Information of Jos. Cooper.

<*Presentment* v. *West.*> The Grand Jury Presents Benjn. West for breaking the Sabbath by his Negros working on the Sabbath by the Information of Jams. Bell.

<*Venire to Issue.*> Order'd that Venires do Issue out against Thos. Spivy, Abram. Spivy Benjn. Spivy, Jacb. Spivy, Jams. Boulton, Henry Pendleton Emll. Low, John Relf Edwd. Faircloth and Benjn. West to Cause them to Appear the 3d. day of the next Generall Court to Answer the Presentments of the Grand Jury. And that the Attorney Generall have Copys of the Presentments.

<*Grand Jury Discharged.*> The Court having ask'd the Grand Jury if they had any farther Presentments to Offer, And they Answering No Order'd that they be Discharged.

Adjourn'd till tomorrow morning Ten a Clock.

<24> Fryday 8ber 30th 1719.

The Court mett according to Adjournment Present as before. Read the Order of the Court.

Danll. Richardson Esqr. Attorney Generall Comes to Prosecute an Indictment found by the Grand Jury last Court against Collonel Edward Moseley in these words (to witt) The Jurors for our Sovereign Lord the King upon their oaths do present that the Seven and Twentieth day of Decembr. 1718 Edward Moseley of Chowan Precinct in the County of Albemarle in the Province aforesaid Esqr. etc. as by the said Indictment here upon Record doth Appear to which he then Pleaded, which said Plea being lost or Imbezled cannot be had, but the Court being Assured the said Plea is Not Guilty Saving to himself all Lawfull Advantages and putting himself upon the Country for Tryall and which said Plea was Joyn'd by the Attorney Generall aforesaid to which he the said Moseley was this day call'd and appear'd according to Order Yesterday and mov'd the Courts Opinion whether he was regularly here in Court this day, To which the Courts Opinion is that he the said Moseley is Regularly here in Court this day.

Whereupon the said Edward Moseley Desires the Court to Consider whether the Entry made this day of the Plea to this Indictment is the Same Plea as he Deliver'd in writing the last Court according to their Order and which was Joyn'd and Subscrib'd by the Attorney Generall for the said Edward Moseley Saith It Con-

tain'd more than a Bare Not Guilty for it Contain'd a Protestation and Saving to himself all Advantages of Exception to the whole Proceedings on this Case and Desires the said Plea may be referr'd to which being Impossible It is the Resolve and Opinion of this Court that the Prosecution of his Majestys Suit ought not to fall for want of the Plea putt into the last Generall Court by the said Moseley which hath either been Lost or Imbezled by the Clark but as the Court is well Satisfyed that the Plea was Generall Issue not Guilty Saving to the said Moseley all Lawfull Advantages they ought to Proceed on his Tryall Whereupon it was Commanded the Marshall that he Cause to Come Twelve etc. by whom etc. who neither etc. And there Came (Videlicet) Mr. James Castellaw Edwd. Carter Thos. Blitchendon Lewis Skinner John Jennet Robert Patterson, George Turnage, Moss. Hill, Jno. Bentley Thos. Elliot, Richd. Willson Edward Wingate who being Sworn Say. Wee of the Jury find Edward Moseley Guilty of Speaking the words Contain'd in the Indictment according to the Evidences and if the Law be for our Sovereign Lord the King then we find him the said Edward Moseley Guilty, but if the Law be for the said Moseley then we find him not Guilty. <25> Whereupon the Councell for our said Lord the King moved the Court to Assigne a Time when the matter of Law shall be argued and this Court has appointed Tomorrow being Satturday the 31 of this Instant Ten a Clock.

And upon Motion of the Attorney Generall Order'd that the said Edward Moseley be Continued upon the Same Recognizance by which he Stood bound in the above Suit for Scandalous words etc. till tomorrow being Satturday the 31 of this Instant Ten a Clock.

Collonel Edward Moseley being call'd to Answer the Indictment found against him and others etc. made his Appearance according to the Order Yesterday of this Court Order'd that he be Continued upon the Same Recognizance till tomorrow 10 of the Clock being the 31st. of this Instant.

Collonel Maurice Moore being call'd upon his Recognizance continued by Order of this Court to this day made his appearance. Order'd that he be Continued upon the Same Recognizance till tomorrow morning 10 of the Clock being the 31 of this Instant.

Thomas Luten Junior being call'd upon his Recognizance Continued by Order of this Court to this day made his Appearance. Order'd that he be Continued upon the Same Recognizance till tomorrow 10 of the Clock being the 31st of this Instant.

Henry Clayton Gentleman being call'd upon his Recognizance continued by Order of this Court to this day made his Appearance. Order'd that he be Continued upon the Same Recognizance till tomorrow 10 of the Clock being the 31 of this Instant.

And then the Court Adjourn'd till Satturday 10 a Clock.

Satturday 8ber 31 1719.

The Court mett according to Adjournment Present as before. Read the Orders of the Court.

Upon Mr. Edward Moseley's troubling the Court with Severall unnecessary motions. It is Resolved by the Court that they will not Stuff the Record with his

motions, but that he shall have full Liberty to Plead every thing that is pertinent to his Tryall.

And now here at this day came the Councill for our Sovereign Lord the King Plaintiff and Edward Moseley Defendant according to the time Assigned by the Court for Argueing the matter of Law in the Suit Depending between the Plaintiff and Defendant aforesaid and the Same being fully argued and Debated on both Sides, the Court Adjourn'd for half an hour to Consider thereon.

The Court met according to Adjournment.

And this Court having advised with themselves and well and <26> Duely Considered the Arguements on both Sides and the Verdict of the Jury last night do find and adjudge the Law is for our Sovereigne Lord the King Plaintiff.

The Attorney Generall mov'd for Sentence.

And thereupon the Court take time untill munday morning next Ten of the Clock to Consider of the Scentance. And upon motion of the Attorney Generall Order'd that the said Edward Moseley be Continued upon the Same Recognizance by which he Stood bound in the above Suit for Scandalous words etc. till Munday morning Ten of the Clock Collonel Edward Moseley being call'd to Answer the Indictment found against him and others etc. made his Appearance according to the Order Yesterday of this Court.

Order'd that he be Continued upon the Same Recognizance till Munday morning next Ten of the Clock.

Collonel Maurice Moore being call'd upon his Recognizance Continued by Order of this Court to this day made his Appearance.

Order'd that he be Continued upon the Same Recognizance till Munday morning next Ten of the Clock.

Thomas Luten Junior and Henry Clayton being call'd upon their Recognizance Continued by Order of this Court to this day made their Appearance.

Order'd that they be Continued upon the Same Recognizance till Munday morning next Ten of the Clock.

Adjourn'd till Munday morning next Ten of the Clock.

Munday Novr. 2 1719.

The Court mett according to Adjournment Present as before Save only Robt. West, Esqr.

Collonel Edward Moseley being call'd to Answer the Indictment found against him for Scandalous words etc. made his Appearance according to the Order of this Court Satturday Last And the Attorney Generall moved for Sentance upon the Indictment Upon which he had by the Court and Jury been found Guilty. And it being asked the said Moseley if he had any thing to Say in Stay of the said Scentance, answer'd that he would not trouble the Court any further but Submitt himself to them, upon which the Court adjourn'd for half an hour to advise and Consider thereon. The Court mett according to Adjournment. And the Court having well and Duely Considered the Indictment throughout the Evidences produced in the whole Tryall the Verdict of the Jury found thereon and the Arguements and Law both in the behalf of the King and upon Edward Moseley Esqr. Defendant have Adjudged the Law to be with the King.

<*Judgement.*> It is therefore Considered and Adjudged by the Court That the said Edward Moseley pay a fine of One hundred Pounds and be <27> Incapable of bearing any Office or place of Trust in this Government for three years and Give bond with Sufficient security in the Summ of Two hundred pounds for his good behaviour a year and a day and that he be taken into Custody untill he performs the Same.

Daniel Richardson Esqr. comes to presecute an Indictment against Maurice Moore Esqr. Thos. Luten Junior Esqr. Edward Moseley Esqr. all of Chowan Precinct in Albemarle County and Henry Clayton Gentleman of Pequimans Precinct in the County aforesaid And Saith as in and by the said Indictment remaining upon Record doth Appear became bound by Recognizance to Appear this Court and being call'd according to the said Recognizance they all Severally appear'd and upon their motion to the Court had leave to raise out the word (Not) which accordingly they did and pleaded Guilty to the said Indictment and threw themselves upon the mercy of the Court. Whereupon the Court takes time till tomorrow morning to Consider thereon. And then adjourn'd till tomorrow morning Ten a Clock.

Tuesday Novr. the 3d. 1719. The Court mett according to Adjournment. Present as before Frederick Jones Esqr. Ch. Justice Excepted.

And the Court having Considered the Indictment with regard to the Severall aggravations of the Persons therein mentioned and the said Persons Plea and throwing themselves upon the mercy of the Court. Have Ordered and gave Judgement that the said Collonel Maurice Moore pay a fine of Five Pounds and Mr. Thos. Luten Junior pay a fine of twenty shillings and that each of them give bond with Sufficient Security in the Summ of twenty pounds for their good behaviour till the next Generall Court. And that Collonel Edward Moseley and Mr. Henry Clayton pay a fine of five shillings each and that they be all taken into Custody untill they have perform'd the Same.

<*Dominus Rex* v. *Jno. White.*> Daniel Richardson Esqr. Attorney Generall Comes to Prosecute an Information of the Grand jury against John White and Saith. The Jurors for our Sovereigne Lord the King presents John White of the Indian Town in Chowan Precinct for Selling and Retailing Liquors without Lycence contrary to the Laws in this Precinct in that behalf made and Provided and against the peace of our said Sovereigne Lord the King that now is and against his Royall Crown and Dignity etc.

Danll. Richardson pro Domino Rege.

And the said John White by Thos. Bray his Attorney Comes and for plea Saith Not Guilty whereupon the Attorney Generall aforesaid prays time till the next Generall Court to produce the Kings Evidence. Order'd that the Same be Continued till the third day of the next Generall Court.

<28> <*Dominus Rex* v. *Wm. Branch.*> Daniel Richardson Esqr. Attorney Generall Comes to Prosecute an Information of the Grand Jury against Wm. Branch and Saith. The Jurors for our Sovereigne Lord the King Presents Wm. Branch of Chowan Precinct For that he the said William Branch did Retail Liquors without Lycence and Sell Liquors and Victualls Contrary to the Laws of this Province in that behalf made and Provided and against the Peace of our

Sovereigne Lord the King that now is and against his Royall Crown and Dignity etc.

Danll. Richardson pro Domino Rege.

And the said William Branch by Thos. Henman his Attorney Comes and for Plea Saith Not Guilty. Whereupon the Attorney Generall aforesaid Joyn'd Issue and prays time till the next Generall Court to produce the Kings Evidence.

Order'd that the Same be Continued till the third day of the next Generall Court.

<*Dominus Rex* v. *Chas. Wilks.*> Daniell Richardson Esqr. Attorney Generall Comes to Prosecute an Information of the Grand Jury against Charles Wilks and Saith.

The Jurors for our Sovereign Lord the King Presents Charles Wilks of Pequimans Precinct for living in open Adultery against the Peace of our said Sovereign Lord the King that now is his Royall Crown and Dignity and Contrary to the Law in that behalf made and Provided etc.

Danll. Richardson pro Domino Rege.

And the said Charles Wilks by Thos. Henman his Attorney Appear'd.

Order'd that the Same be Continued till the 3d. day of the next Generall Court by the Consent of both Partys.

<*Dominus Rex* v. *Mary Brinn.*> Daniell Richardson Esqr. Attorney Generall comes to Prosecute an Information of the grand Jury against Mary Brinn and Saith.

The Jurors for our Sovereign Lord the King Presents Mary Brinn for keeping Company with Charles Wilks of Pequimans Precinct and Causing his wife to leave him by threatning Speeches against the Peace of our Lord the King that now is Royall Crown and Dignity and against the force of the Law in that Case Provided etc.

Danll. Richardson pro Domino Rege.

And the said Mary Brinn by Thos. Henman her Attorney Appear'd.

Order'd that the Same be Continued till the 3d. day of the next Generall Court by the Consent of both Partys.

<*Dominus Rex* v. *Wyer.*> John Wyer being Call'd to Answer an Indictment found against him by the Grand Jury last Court And failing to Appear

Order'd that he be taken into Custody untill he find Security to Appear at the next Generall Court to Answer the Indictment aforesaid.

<*Dominus Rex* v. *Jno. Hassell.*> John Hassell acknowledges himself indebted to our Sovereign Lord the King in the Summ of One hundred Pounds and Matt. Casewel in the Summ of Fifty Pounds to be Levyed upon their Lands Tenements Goods and Chattells with Condition That If the said John Hassell shall Personally <29> appear at the next Generall Court and Answer the Presentment of the Grand Jury for Blasphemous words etc. and not Depart the Court untill Discharged therefrom and that in the meantime he be of his good behaviour then this Recognizance to be Void else the Same to remain in full force and Vertue.

<*Dominus Rex* v. *Thos. Luten.*> Thomas Luten Junior and Samll. Phelps acknowledges themselves to be Indebted to our Sovereign Lord the King in the Summ of Ten Pounds each to be Levyed upon their Lands and Tenements goods and Chattells with Condition

That if the said Thos. Luten do well behave himself to all his Majestys Leige people till the next Generall Court then this Recognizance to be Void else to remain in full Force and Vertue.

Adjourn'd to the Court in Course.

Fred. Jones Ch. Justice

[*March 1720*]

[*CCR 105*]

<213> North Carolina Ss.

Att a Generall Court Continued and held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 29th. March 1720. Present John Palin Esqr.

Adjourn'd till tomorrow morning 10 a Clock.

Wednesday March the 30th. 1720.

Met according to Adjournment Present Frederick Jones Esqr. Ch. Justice Jno. Blount Jno. Worley Jno. Palin and Thos. Pollock Junior Esqr. and Jam. Beazley.

The last Will and Testament of Thomas Vandermulin is prov'd by the oaths of Joseph Wicker and Henry White.

<*Bray* v. *Lysle.*> In the Suit brought by Thos. Bray against Henry Lysle for Tenn Pounds two shillings and Six pence Sterling due by Bill dated the 5th. day of Septr. 1719 the Defendant by Thos. Swann his Attorney Pleads Nill Debet Ordered that the Cause be referr'd till Fryday.

<*Thompson* v. *Calfe.*> In the Suit brought by Wm. Thompson against Robt. Calf for Seventy Barrells of Tarr and two Barrills of Pitch Robt. Hicks Attorney and Bail for the Defendant Appear'd and Confess'd Judgement for the said Debt to be paid in the Same Specie also the Summ of five pounds Sterling Damages and all Lawfull Costs.

Adjourn'd till Fryday morning 10 a Clock.

Fryday Aprill the 1st. 1720. Mett according to Adjournment. Present as above. Adjourn'd till tomorrow morning 10 a Clock.

Satturday Aprill the 2d. 1720. Mett according to Adjournment. Present as above.

<*Sparnon Administratrix* v. *Willson Executor Judgement Confess'd.*> In the Suit brought by Jean Sparnon Widow and Administratrix of Joseph Sparnon Deceased against Wm. Willson Executor of John Blysh for One hundred and thirty two Pounds the Defendant Appear'd and Saith nothing in barr or Avoidance of the Action of the aforesaid Plaintiff Therefore it is Considered by the Court that the said Plaintiff Recover and have against the Defendant the like Summ of One hundred thirty two Pounds with Costs alias Execution.

<*Kearney* v. *Benton.*> In the Suite brought by Michll. Kerney against Epaphraditus Benton and Thomas Jernegan Thomas Jernegan Appears and Confesseth Judgement for Eighty two pounds Currant money with Stay of Execution One Year from this Court with Costs of Suit.

Order'd that Joseph Darden be in Custody of the Marshall till [*torn*] Security in the Summ of One hundred Pounds for his App[*torn*] 3d. day of the next

Generall Court to give the Court Suffic[*torn*] relating to the uttering forged Bills about which he had [*torn*] call'd to Answer and was Order'd by the Court to bring [*torn*] proof how the said Bills Came into his Custody.

Adjourn'd to the Court in Course.

Fred. [*torn*]

[*March 1720*]

[*CCR 103*]

<29> North Carolina Ss.

Att a Generall Court of Oyer and Terminer held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 31st. March 1720 and Continued by Adjournment to the 2nd. day of Aprll. Following. Present Frederick Jones Esqr. Ch. Justice, Jno. Blount, Jno. Palin, Jams. Beazley, Thos. Pollock Esqr. Esqrs. Justices.

The Grand Jury are Impannelled and Sworn. Thos. Betterley Foreman, Thos. Rountree, Henry Clayton, Edwd. Wingate, Thos. Blitchendon, Jno. Jordan Jams. Williamson, Wm. Downing, Jno. Williams Thos. Jernegan, Isaac Hill, Jno. Worsland Lazs. Thomas Edwd. Howcott, Martin Frank, Samll. Pagett, Thos. Garrett Thos. Hoskins, Thos. Matthews, Robt. Lanier, Thos. Masters.

Upon the Return of the Grand Jury they Present the following Indictments.

<*Dominus Rex* v. *Colliar.*> To the Honorable Frederick Jones Esqr. Ch. Justice and to the rest of the Justices for holding the Generall Court of North Carolina.

The Jurors for our Sovereign Lord the King Present Magdalen <30> Collar alias Dictus Collard alias Colliar of the Precinct of Chowan in the County of Albemarle in the Province aforesaid with Malice Prepenced by force and Armes and against the Peace of our Sovereign Lord the King that now is she did Murder and privately bury and Conceal the Death of a Bastard Child which she brought forth and was Delivered of.

For that the said Magdalin Collar Alias Dictus Collard Alias Colliar on the four and twentyeth day of Novbr. 1719 at night was Privately Delivered of a Bastard Child born alive and the next morning being the five and twentieth day of Novr. aforesaid did bury the said Child by force and Armes etc. Against the Peace etc. and against the Royall Crown and Dignity and against the Laws and Statutes in Such behalf made and Provided etc.

Danll. Richardson pro Domino Rege.

Billa Vera Thos. Betterley Foreman

<*Plea.*> To which Indictment the said Magdalin Colliar being Call'd Appear'd in Custody at the Barr and Pleaded Not Guilty. And for Tryall putt herself upon the Country. Which is referr'd till tomorrow morning.

<*Dominus Rex* v. *Relf Recognizance.*> Jno. Relf acknowledges himself to be Indebted to our Sovereign Lord the King in the Summ of thirty Pounds to be Levyed upon his Lands and Tenements goods and Chattells with Condition. That if the said Jno. Relf shall Appear here the 3d. day of the next Generall Court

and Answer the Complaint of Mr. Edmd. Gale and nott Depart the Court untill Discharged therefrom then this Recognizance to be Void Else to Stand and be in full force.

Adjourn'd till tomorrow morning Ten a Clock.

Fryday Aprill the 1st. 1720. Mett according to Adjournment. Present as before.

Read the Indictment found by the Grand Jury Yesterday against Magdalin Colliar to which She had pleaded and being call'd Appear'd in Custody at the Barr. Then it was Commanded the Marshall that he should cause to Come Twelve etc. by whom etc. who neither etc. And there Came Henry Speller, Henry Bonner, Patrick Maule, Thos. Luten, Junr. Thos. Paris, Fras. Branch, Wm. Bonnor, Wm. Haughton, Lewis Skinner Wm. Havett Jno. Falconar and Thos. Yates who to Speak the truth of and upon the Premises Chosen Tryed and Sworn Say upon their Oaths.

<*Verdict.* > That she is Guilty of the Murder by which she Stands Indicted.

<*Judgement.* > Judgement to be hang'd.

Then the Jurors being askd what goods and Chattells the said Magdalin Colliar had at the time she Comitted the Murder. Answer'd None that they knew of.

The Court Adjourn'd till tomorrow morning Ten a Clock.

Satturday Aprll. the 2d. 1720.

The Court mett according to Adjournment. Present as before. The Grand Jury presents the following Presentments to the Court.

<31 > <*Information* v. *Vail.* > Jno. Blount Esqr. one of the Majestrates for holding the Generall Court for the said Province. Informs the Grand Jury that on or about the first day of Febry. last past and Severall times after one Jeremiah Vail of the Precinct of Chowan in the County of Albemarle in the aforesaid Province Marriner against the Peace of Sovereign Lord the King that now is did utter and Speak divers Scandalous false and abusive words to and against him being then a Majestrate as abovesaid to the great Scandall and Disencouragement of the Same Province Videlicet That he had perfidiously told the Court (meaning the last Generall Court) of which he was then a member and in which he then Satt as a Justice and Member thereof a parcell of Lyes against him the said Vail and that Severall of the Members (meaning the other Justices then Sitting with him) would Testify and that the words beforesaid or words to the Same Effect was vehemently Charged on him by the said Vail.

<*Information* v. *Bray.* > Thomas Betterley Informs the Grand Jury That on the 16th. day of this Instant March being at the Dwelling house of Richd. Grills lately Deceas'd Thos. Bray did then and there out of a Malitious and Evil Intention with force and Armes Clubbs etc. did Assault the said Thos. Betterley and did beat bruise and Evil Intreat and did then and there threaten to Kill the said Betterley and Villify'd him by calling him a Rogue and a Rascally Justice of the Peace, thereby reflecting upon the Government the said Betterley being then the Justice of the Peace for the Precinct of Chowan.

<*Information* v. *Fleming.* > Thomas Rountree Informeth the Grand Jury that upon the 10th. day of Febry. Last past Jams. Fleming did very much approach the said Thos. Roundtree of Injustice, the said Thos. Rountree being then a Justice

of the Peace for Precinct of Chowan the said James Fleming did Say that the said Thos. Rountree would give Judgement any way that he the said Rountree had the most mind it should go lett it be right or wrong and did very much threaten and abuse the said Rountree and did Severall times Ride against the said Rountree as he was Riding upon the Road So beat him the said Rountree out of the Road and would not lett him the said Rountree pass Quiettly about his business.

<*Information* v. *Smith.* > Levy Cressy Informs the Jury that Wm. Smith Overseer of the Highway from Grace Cartwrights Creek to the Widow Davis's Creek hath not mended and made the Roads according to an Act of Assembly made and Provided for the making mending and repairing of Roads and Highways.

<*Information* v. *Relf and Faircloth.* > Thomas Swann Informs the Jury that Jno. Relf and Edwd. Faircloth Overseers of the Highways from Arronnse Creek to the Indian Town over to the branches of Currytuck hath not mended and <32 > made the Roads according to an Act of Assembly made and Provided for the making mending and repairing Roads Bridges or Highways.

<*Presentment* v. *Hassell.* > The Grand Jury Presents Jno. Hassell of Chowan Precinct for Speaking Prophane and Irreverent words to the great Scandall of the Christian Religion and to the Dishonour of Almighty God himself (to witt) on March the 13th. 1718.

They also present Jno. Hassell for Cohabiting with Sarah Wilkisson notwithstanding Severall former Orders of this Court to the Contrary.

<*Presentment* v. *Alexandar.* > Wm. Alexandar Collector of Currytuck For Forgery for Endeavouring to prove the Will of Richd. Sanderson Esqr. late of Currytuck Deceased at Currytuck aforesaid on or about the 29th. day of July 1719.

<*Presentment* v. *Ambross.* > David Ambross for Retailing Liquors without Licence at Chowan about the 28th. Decr. Last.

<*Presentment* v. *Branch.* > Frances Branch of Chowan Precinct for Selling Rumm by Retail without Lycence at Chowan on or about the 18th. March last.

<*Presentment* v. *Charleton.* > Wm. Charleton Esqr. Senior for being Drunk Yesterday and for Swearing four times and Cursing.

<*Presentment* v. *Wm. Fryley.* > Wm. Fryley for being Drunk and Swearing.

<*Presentment* v. *Lysle.* > Henry Lysle for being Drunk and Swearing.

<*Presentment* v. *Young.* > Joseph Young for being Drunk and Swearing and Cursing the Grand Jury.

<*Presentment* v. *Montier.* > Louis Montier for Swearing four Oaths.

<*Presentment* v. *Swann.* > Thos. Swann for being Drunk.

<*Presentment* v. *Plowman.* > Major Jno. Plowman for being Drunk and Swearing.

<*Presentment* v. *Urmston.* > Jno. Urmston Missionary for being Drunk.

<*Presentment* v. *Barnes and Price.* > Robert Barnes and Jno. Price of Pequimans Precinct for Conveying away Charles Wilks to Evade being Prosecuted on a Presentment against him for Lew'd Living.

<*Presentment* v. *Cromen.* > Martin Cromen for Swearing Ten Oaths.

<*Presentment* v. *Eggerton.* > Patrick Eggerton for Swearing 2 Oaths.

<33 > <*Presentment* v. *Buttler.* > Christopher Buttler for Swearing one Oath.

<*Presentment* v. *Farlow.* > James Farlow for being Drunk.

<*Grand Jury Discharged.*> The Grand Jury being Ask'd by the Court if they had any Presents farther to Offer Answer'd No.

Order'd that they be Discharged.

Order'd that the Attorney Generall have Coppys of the Grand Jury's Presentments forthwith.

Order'd that Process do Issue out against the Persons Presented by the Grand Jury so as to Compell them to Appear etc. the 3d. day of the next Generall Court, And also Subpena's for the Informers and Evidences to Presente.

<*Dominus Rex* v. *Hassell.*> Danll. Richardson Esqr. Comes to Prosecute an Information of the Grand Jury last Court against John Hassell And for Insufficiency in the Indictment the Same is Quash'd.

<*Dominus Rex* v. *Wilks.*> Danll. Richardson Esqr. Attorney Generall Comes to Prosecute an Information of the Grand Jury last Court against Chas. Wilks And upon motion of the Defendant by Thos. Henman his Attorney the Same is Contd. till next Court.

<*Dominus Rex* v. *Brinn.*> Danll. Richardson Esqr. Attorney Generall Comes to Prosecute an Information of the Grand Jury against Mary Brinn And upon Motion of the said Mary by Thos. Henman her Attorney the Same is Contd. till next Court.

<*Dominus Rex* v. *Wyer.*> Danll. Richardson Esqr. Attorney Generall Comes to Prosecute an Information of the Grand Jury against John Wyer And the said John being Since Dead the Same is Quash'd.

<*Dominus Rex* v. *Branch.*> Danll. Richardson Esqr. Attorney Generall Comes to Prosecute an Information of the Grand Jury against Wm. Branch for Retailing Liquor etc. and Selling Victualls Contrary to Law. And the Same not being provd against him Order'd that he be Dismist.

<*Dominus Rex* v. *White.*> Danll. Richardson Esqr. Attorney Generall Comes to prosecute an Information of the Grand Jury against John White Senior And upon motion of the Attorney Generall the Same is Contd. till next Court to Provide the Kings Evidence.

<*Recognizance* v. *Benjn. Spivy.*> Benjn. Spivy acknowledges himself to be indebted to our Sovereign Lord the King in the Summ of Fifty Pounds to levyed upon his Lands and Tenements goods and Chattells with Condition That he Appear the 3d day of next Generall Court and Answer to all Such Matters and things as shall be Alleadged against him relating to hoggstealing and not Depart the Court untill Discharged therefrom.

<*Recognizance Jacb. Spivy.*> Jacob Spivey acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of Fifty Pounds to be Levyed upon his Lands and Tenements goods and Chattells with Condition That he <34> appear here the 3d. day of the next Generall Court and answer to all Such Matters and things as shall be alleadged against him relating to Hoggstealing and not Depart therefrom untill Discharged by the Court.

<*Dominus Rex* v. *Benjm. and Jacob Spivy.*> Benjn. and Jacob Spivy acknowledged themselves to be Indebted to our Sovereign Lord the King in the Summ of Five Pounds each to be Levyed upon their Lands and Tenements Goods and Chattells with Condition that they Appear here the third day of the next Generall

Court and Answer to the Presentment of the Grand Jury for breaking the Sabbath and not Depart the Court untill Discharged therefrom.

Adjourn'd to the 3d. day of the next Generall Court.

Fred. Jones Ch. Justice

[*July 1720*]

[*CCR 105*]

<210> North Carolina Ss.

Att a Generall Court Continued and held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 26th. July 1720. Present Jno. Blount and Robt. West Esqrs.

The Court being open'd Adjourn'd till tomorrow morning 9 a Clock.

Wednesday July 27th. The Court mett According to Adjournment Present as Yesterday together with John Worley Esqr.

Adjourn'd till tomorrow morning 8 a Clock.

Thursday July 28th. 1720. The Court mett according to Adjournment Present as above.

The last Will and Testament of Jams. Beasley is prov'd by the oath of Edwd. Moseley. Adjourn'd till tomorrow morning 8 a Clock.

Fryday July 29th. 1720. The Court mett according to Adjournment Present as above.

Order'd that a Road be Clear'd from the Main Road at Wm. Haughtons with the most Conveniency to the Sound Side Road And that all the Tythables from Dr. Urmstons Downward do work on the Same. And that Jno. Lovick Esqr. Fras. Smith, Wm. Stewart, Jams. Beasley, Wm. Benbury Jno. Symons Thos. Stacey Edwd. Orrington Wm. Smith Wm. Harris Wm. White Thos. Haughton be Appointed a Jury to lay out the Same Road. And it is further Order'd that Fras. Smith be Overseer thereof.

Upon the Motion of Jean Portis to this Court that Att the Court held for Chowan Precinct her Son John Portis was Order'd to Dwell and Abide with Susana and Abram. Hill till of Age Order'd that the Same Order be not Issued by the Clerk of the said Court and that he still Dwell and abide with the said Jean his mother.

Upon the Motion of Edwd. Outlaw by Thos. Henman to this Court that at the last Court held for Chowan Precinct Thos. Bond his Servant was taken from him by an Order of the said Court. It is Order'd by this Court that the Order of the said Precinct Court do Cease And that the said Thos. Bond dwell and Abide with the said Edward Outlaw, the said Edward Learning his said Apprentice to read and the art of a Shipwright.

Order'd that a main Road be Clear'd from Middle-neck bridge with the most Conveniency over the Little Creek Swamp to Mr. Longs And that Jno. Worley Esqr. Jacb. Blount Jams. Long Thos. Long Jno. Swain Thos. Hawkins, Jams. Smith Josp. Turner Jno. Valloway Wm. Fryley Wm. Mitchell Danll. Garrett be Appointed a Jury to lay out the Same.

Upon the motion of Thos. Henman Attorney of Patrk. Maule Order'd that Gyles Shute Esqr. be Impower'd to take the Examination of Wm. Puttnall [*torn*] Evidence in a Suit Depending between the said Patrk. Maule Plaintiff and Maurice Moore Defendant the said Wm. Puttnall not being able to Attend the Court [*torn*] reason of Sickness.

Adjourn'd to the next Court in Course.

[*July 1720*]

[*CCR 103*]

<34 >North Carolina Ss.

Att a Generall Court of Oyer and Terminer Continued and held for the said Province at the Generall Court house in Chowan Precinct the 28 July 1720. Present Jno. Blount, Jno. Worley, Rt. West, Esqrs.

<*Adultery.* > Charles Wilks being call'd to Answer a Presentment of the Grand Jury for Living in Open Adultory fail'd to Appear and Thos. Henman offer'd to Appear and plead as his Attorney the Court will not admitt thereof. Upon motion of the Attorney Generall Order'd that further process do Issue to Compell him to Answer the said Presentment at the next Court.

<*Whore.* > Mary Brinn being call'd to Answer a Presentment of the Grand Jury for keeping Company with Chas. Wilks fail'd to Appear Thomas Henman offer'd to Appear and plead as her Attorney the Court will not admitt thereof. Upon motion of the Attorney Generall Order'd that further Process do Issue out against the said Mary Brinn to Compell her to Appear etc. at the next Court.

<*Liquor.* > John White Senior being Call'd to Answer a Presentment of the Grand Jury for Selling Liquor without Lycence fail'd to Appear. Upon motion of the Attorney Generall Order'd that farther process do Issue to Compell him to Appear etc. at the next Court.

<*Hoggstealing.* > Thomas Spivey being Call'd to Answer a Presentment of the Grand Jury for Hoggstealing fail'd to Appear Upon Motion of the Attorney Generall Order'd that further Process do Issue to Compell him to Appear etc. at the next Court.

<*Hoggstealing.* > Abraham Spivy being Call'd to Answer a Presentment of the Grand Jury for Hoggstealing, fail'd to Appear. Upon motion of the Attorney Generall Order'd that farther process do Issue to Compell him to appear etc. at the next Court.

<35 > <*Hoggstealing.* > Benjn. Spivey being call'd to Answer a Presentment of the Grand Jury for Hoggstealing Appear'd according to his Recognizance last Court Upon Motion of the Attorney Generall Order'd that he be Continued upon the Same Recognizance to Answer at the next Court with which the said Benjn. is Content.

<*Hoggstealing.* > Jacob Spivy being Call'd to Answer a Presentment of the Grand Jury for Hoggstealing Appear'd according to his Recognizance last Court Upon motion of the Attorney Generall Order'd that he [*be*] Continued upon the Same Recognizance to Answer at the next Court with which the said Jacob is Content.

<*Hogg mismarking.*> Abraham Spivy being call'd to Answer a Presentment of the Grand Jury for mismarking hoggs faild to Appear Upon motion of the Attorney Generall Order'd that farther Process do Issue to Compell him to Appear etc. at the next Court.

<*Sabbath breaking.*> Thomas Spivy being call'd to Answer a Presentment of the Grand Jury for breaking the Sabbath, Appear'd And acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of Five Pounds to be Levy'd upon his Lands and Tenements goods and Chattells with Condition that he Appear etc. at the next Court.

<*Sabbath breaking.*> Jacob Spivy being call'd to Answer a Presentment of the Grand Jury for breaking the Sabbath appear'd according to his Recognizance last Court. Upon motion of the Attorney Generall Order'd that he be Continued upon the Same Recognizance to Appear at the next Court with which the said Jacob is Content.

<*Sabbath breaking.*> Benjn. Spivey being call'd to Answer the Presentment of the Grand Jury for breaking the Sabbath Appear'd according to his Recognizance last Court. Upon Motion of the Attorney Generall Order'd that he be Continued upon the Same Recognizance to appear and answer at the next Court with which the said Benjn. is Content.

<*Sabbath breaking.*> Abraham Spivy being call'd to Answer a Presentment of the Grand Jury for breaking the Sabbath fail'd to Appear, Upon motion of the Attorney Generall Order'd that further Process do Issue against him for his Appearance here at the next Court.

<*Sabbath breaking.*> Henry Pendleton being call'd to Answer a Presentment of the Grand Jury for breaking the Sabbath fail'd to Appear. Upon Motion of the Attorney Generall Order'd that farther Process do Issue against him for his Appearance at the next Court.

<*Sabbath breaking.*> Emanll. Low being Call'd to Answer a Presentment of the Grand Jury for breaking the Sabbath fail'd to Appear Upon Motion of the Attorney Generall Order'd that farther process do Issue against him for his Appearance at the next Court.

<*Sabbath breaking.*> Benjn. West being call'd to Answer a Presentment of the Grand Jury for breaking the Sabbath fail'd to Appear Upon Motion of the Attorney Generall Order'd that farther Process do Issue against him for his Appearance at the next Court.

<36> <*B. p.*> Jeremiah Vail being call'd to Answer a Presentment of the Grand Jury for abusing John Blount Esqr. one of the Justices of this Court appear'd. Upon motion of the Attorney Generall Order'd that the said Jeremiah be taken, and be in Custody of the Marshall till he Enter into Recognizance to Appear here the 3d. day of the next Court and Answer the said Presentment and be of His good behaviour in the mean time.

<*B. p.*> Thomas Bray being Call'd to Answer a Presentment of the Grand Jury for Abusing Thomas Betterley Esqr. a Justice of the Peace for Chowan Precinct Appear'd. Upon Motion of the Attorney Generall and by the oppinion and Consent of the Court a Nulla Precequi is Order'd thereon.

<*B. p.*> James Fleming being call'd to Answer a Presentment of the Grand Jury [*for*] abusing Thos. Roundtree Esqr. a Justice of the Peace for Chowan Precinct fail'd to Appear Upon Motion of the Attorney Generall Order'd that farther Process do Issue against him to Appear at the next Court and be of his good behaviour in the mean time.

<= > Wm. Smith being call'd to Answer a Presentment of the Grand Jury for not mending and repairing the Highway fail'd to Appear. Upon motion of the Attorney Generall Order'd that further Process do Issue against him for his Appearance at the next Court.

<*Profanity.*> John Hassell being call'd to Answer a Presentment of the Grand Jury for Speaking prophane words fail'd to Appear. Upon motion of the Attorney Generall Order'd that further Process do Issue against him for his Appearance here at the next Court.

<= > John Relf and Edward Faircloth being call'd to Answer a Presentment of the Grand Jury for not repairing the Roads faild to Appear. Upon motion of the Attorney Generall Order'd that further Process do Issue against him for his Appearance here at the next Court.

<*Forgery.*> Wm. Alexander being call'd to Answer a Presentment of the Grand Jury for Forgery fail'd to Appear. Upon motion of the Attorney Generall Order'd that Farther Process do Issue against him for his Appearance here at the next Court.

<*Selling Liquor.*> David Ambross being call'd to Answer a Presentment of the Grand Jury for Retailing Liquor without Lycence Appear'd and acknowledged himself to be indebted to our Sovereign Lord the King in the Summ of Tenn pounds to be Levy'd upon his Lands and Tenements goods and Chattells with Condition that he Appear here at the next Court and Answer the said Presentment.

<*Selling Liquor.*> Francis Branch being call'd to Answer a Presentment of the Grand Jury for retailing Liquor without Lycence Appear'd and acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of Tenn pounds to be Levy'd upon his Lands and Tenements goods and Chattells with Condition that he Appear here at the next Court to answer the said Presentment.

<37> <*Adultery.*> Robt. Barnes being call'd to Answer a Presentment of the Grand Jury for Conveying a way Charles Wilks presented by the Grand Jury for living in Open Adultery Appear'd and acknowledged himself indebted to our Sovereign Lord the King in the Summ of One hundred pound and Thos. Blitchenden in the Like Summ of One hundred Pounds with Condition that the said Robt. Barnes Appear here at the next Court and Answer the said Presentment and be of his good behaviour in the meantime.

<*Adultery.*> Jno. Price being call'd to Answer a Presentment of the Grand Jury for Conveying a way Chas. Wilks presented by the Grand Jury for living in open Adultery Appear'd and Acknowledged himself to be indebted to our Sovereign Lord the King in the Summ of One hundred pounds and Thomas Blitchenden in the like Summ of one hundred pounds with Condition that the said John Price Appear here at the next Court to answer the said Presentment and be of his behaviour in the meantime.

Danll. McDaniel and Robert Attkins being bound by Recognizance to Appear at this Court being call'd they fail'd to Appear Upon motion of the Attorney Generall Order'd that Process do Issue against the Same.

Caleb Stevins being bound to Appear at this Court Appar'd and acknowledged himself to be indebted to our Sovereign Lord the King in the Summ of twenty pounds to be Levyed upon his Lands and Tenements goods and Chattells with Condition that he appear here at the next Court and Answer to the Complaint of Archabd. Campbell for Felloniously taking a way the boxes or Knaves of a pair of Cartwheels belonging to Archab. Campbell.

Paul Palmer being call'd to Answer for Suspicion of Felloniously taking a Negro man Nam'd Sambo with Divers goods the Estate of Nicos. Crisp, Appear'd Upon motion of the Attorney Generall Order'd that he be Continued in Custody of the Marshall he refusing to Enter into Recognizance to Appear at the next Court and answer the Same.

Joseph Darden being Charged with Uttering Forged Bills of this Province was Order'd by this Court to Appear here and give Sufficient proofs how he came by the Same. Appear'd, And having fully Satisfy'd the Court of the Same is Discharged therefrom paying Costs.

Joseph Jessop being bound to Appear at this Court to Answer his abuse to a Constable in the Execution of his Office Appear'd Upon motion of the Attorney Generall Order'd that he be in Custody of the Marshall till he Enter into Recognizance to Appear at the next Court and Answer the Same.

Joseph Jessop being bound to Appear at this Court to Answer for Rescue by him made Appear'd Upon motion of the Attorney <38> Generall Order'd that he be in Custody of the Marshall till he Enter into Recognizance to Appear here at the next Court and answer the Same.

Jno. Relf being bound by Recognizance to Appear at this Court to Answer the Complaint of Mr. Edmd. Gale Appear'd. Upon motion of the Attorney Generall and by Consent of the said Relf Order'd that he be Continued upon the Same Recognizance till next Court.

Wm. Brasswell being bound by Recognizance to Appear at this Court to Answer his Abuse to a Constable in the Execution of his Office Appear'd Upon motion of the Attorney Generall Order'd that he be in Custody of the Marshall till he Enter into Recognizance to Appear and Answer at the next Court the said Complaint and that he be of his good behaviour in the meantime.

Thomas Stoneham being bound by Recognizance to Appear at this Court to Answer his Abuse to a Constable in the Execution of his Office, Appear'd. Upon motion of the Attorney Generall Order'd that he be in Custody of the Marshall till he Enter into Recognizance to Appear and answer the Same at the next Court And that in the meantime he be of his good behaviour.

Jno. Birkett Senior and Jno. Birkett Junior Appear'd in Custody by a Process from Thos. Roundtree Esqr. a Justice of the Peace for Chowan Precinct on a Complaint of Jenkin Williams for Trespass and Forcible Entry by them made on the Plantation of the said Jenkin Williams. Order'd that the said Jno. Birkett Senior and Jno. Birkett Junior be in Custody of the Marshall till they Enter into Recognizance with two Sufficient Securitys in the Summ of Five hundred Pounds

to appear at the next Court and answer the said Complaint and that in the meantime they be of their good behaviour.

John Birkett Junior Appeard in Custody by a Precept from Thomas Rountree Esqr. a Justice of the Peace for Chowan Precinct on a Complaint of Jenkin Williams for a Trespass and Forcible Entry by him made on the Plantation of the Jenkin Williams. Order'd that the said John Birkett be in Custody of the Marshall till he Enter into Recognizance with two Sufficient Securitys in the Summ of Five hundred pounds to Appear at the next Court and answer the said Complaint and that in the meantime he be of his good behaviour. Order'd that Martin Fredk. Razom be taken into Custody till he give Security to be of his good behaviour till next Court for his Misbehaviour in this Court.

Martin Fredk. Razom and Arthur Dugall acknowledged themselves to be indebted to our Sovereign Lord the King in the Summ of twenty pounds each to be Levyed upon their Lands and Tenements goods and Chattells with Condition that the said <39> Martin Fredk. Rozor Appear here at the next Court And that in the meantime he be of his good behaviour.

Adjourn'd to the Court in Course.

[*October 1720*]

[*CCR 105*]

<217> North Carolina Ss.

Att a Generall Court held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 25th. day of October 1720 and Continued to the 5th. Novr. Present Frederick Jones Esqr. Ch. Justice. Jno. Blount, Jno. Worley, Rt. West Esqrs. Justices.

Thos. Boyd produced a Licence from the Honorable the Governor to Plead as Attorney at this Court and Accordingly is Admitted.

Adjourn'd to the Court in Course.

Fred. Jones Ch. Justice

[*November 1720*]

[*CCR 103*]

<39> North Carolina Ss.

Att a Generall Court of Oyer and Terminer held and Continued for the said Province at the General Court house at Queen Ann's Creek in Chowan Precinct the 1st. day of November 1720. Continued to the 3d. Present Frederick Jones Esqr. Ch. Justice Jno. Blount John Worley and Robert West Esqrs.

The Court being Open'd Adjourn'd till tomorrow morning 8 a Clock. Novr. 2d. The Court mett according to Adjournment present as above.

The Grand Jury are Impannell'd and Sworn. Nics. Crisp Foreman. Thos. Roundtree, Thos. Luten, Fras. Branch, Wm. Stewart, Hen. Bonner, Thos. Matthews, Wm. Charleton Lans. Larson Nics. Hunter, Henry Clayton, Samll. Pagett, Jams. Peek

Jams. Farlow Thos. Yates, Geo. Turnedge.
Adjourn'd till tomorrow morning 8 a Clock.

Thursday Novr. 3d. The Court mett according to Adjournment Present as above.
<*Indictment* v. *T. Stoneeham.*> The Jurors for our Sovereign Lord the King on their oaths do present That Thomas Stoneeham of the Precinct of Chowan in the Province aforesaid Planter did on or about the 1st. day of Aprll. 1720 at Chowan aforesaid by force and Armes Violently threaten kick and otherwise abuse one Richard Washington then and there a Constable in the Execution of his Office and other Inormitys to him the said Richard Washington did then and there do with like force and Armes against the Peace of our Sovereign Lord the King his Crown and Dignity etc.

Billa Vera Nics. Crisp foreman

<*Indictment* v. *Wm. Brasswell.*> The Jurors for our Sovereign Lord the King on their Oaths do Present That Wm. Brasswell of the Precinct of Chowan in the Province aforesaid Planter did on or about the 1st. day of Aprill 1720 at Chowan aforesaid by force and Armes kick and otherwise abuse one Richard Washington then and there a Constable in the Execution of his Office and other Inormitys to him the said Richd. Washington did then and there do with like force and Armes against the Peace of our Sovereign Lord the King his Crown and Dignity etc.

Billa Vera Nics. Crisp foreman

<40> <*Indictment* v. *Cal. Stevins.*> The Jurors for our Sovereign Lord the King on their Oaths do Present that Caleb Stevins of Chowan Precinct Planter on the 29 day of Febry. 1720 at Chowan aforesaid did by force and Armes etc. one pair of Boxes or Knaves to the Value of Forty shillings Clandestinely or Feloniously belonging to one Archabald Campbell of the Same Precinct Planter take and bear away Contrary to a Statute in that Case made and Provided and against the peace of our Sovereign Lord the King that now is his Crown and Dignity etc.

Billa Vera Nics. Crisp Foreman

The Grand Jury are Discharged and another Impannell'd and Sworn. Wm. Charleton Foreman. Thos. Roundtree, Thos. Luten, Wm. Stewart Fras. Branch H. Bonner, Thos. Matthew, Lans. Larson, Nics. Hunter, H. Clayton, Samll. Pagett, J. Peek, J. Farlow, Thos. Yates Geo. Turnedge Wm. Bonner.

<*Indictment* v. *P. Palmer and Uxor.*> The Jurors for our Sovereign Lord the King on their oaths do Present That Cush Alias Quashey a Negro man Slave belonging to Paul Palmer of the Precinct of Pequimans on the 3d. of Aprll. 1720 did feloniously Seduce take carry and Convey by force and Armes etc. from the Plantation of Nics. Crisp of the Precinct of Chowan Gentleman a Negro man Slave Nam'd Sambo together with one New Rugg Value twenty five shillings, one Coat one Shirt one pair of new Lether Breeches one pair of Stockings one pair of New shoes and one hatt Value one pound twelve shillings and Six pence the proper Estate and Goods of the said Nics. Crisp And that the said Cush alias Quashey so having Seduced and taken the said Negro Sambo and all the aforesaid Goods him and them did Carry and Convey to the Plantation and Dwelling house of the said Paul Palmer at Pequimans aforesaid and then and there the said Negro Sambo and all the said goods did Deliver to the said Paul Palmer and

Joanna his wife who not being ignorant that the said Negro Sambo and all the said Goods were by the said Negro Cush alias Quashey feloniously taken and Carryed away from the said Crisp's Plantation did then at the said Paul Palmer's Plantation and dwelling house receive and take the said Negro Sambo and all the said Goods from him the said Cush alias Quashey and keep the Same Contrary to the Laws in Such Cases made and Provided and against the Peace of our Sovereigne Lord the King his Crown and Dignity etc.

Billa Vera Nemine Contradicente Wm. Charleton Foreman

<*Indictment* v. *P. Palmer.*> The Jurors for our Sovereign Lord the King do Present upon their Oaths That on the 2d. day of Aprll. 1720 at the Precinct of Pequimans in the County of Albemarle in this Province of North Carolina Paul Palmer of the said Precinct did Instigate Order and Command a Negro Slave belonging to him the said Palmer Nam'd Cush Alias Quashey to goe with two horses to the Plantation of Nics. Crisp in the Precinct of Chowan in the said County of Albemarle and by force and Armes etc. to take bring and from thence convey and Carry away a Negro man Nam'd Sambo with his Cloaths and beding which said Negro Sambo Cloths and beding are the proper Estate of the said Nichs. Crisp And that on the 3d. day of Aprill aforesaid in the Year aforesaid the said Negro Cush Alias Quashey at the Instigation and by the Order and <41> Command of the said Paul Palmer did go to the Plantation and Quarter of the said Nics. Crisp and did then and there Seduce and feloniously Carry and Convey from thence to the said Paul Palmer's house in Pequimans aforesaid the said Negro man Named Sambo and also one New Rugg Value twenty five shillings, one Coat, one shirt, one pair of new Leather breeches, one pair of Stockins one pair of new shooes and one hatt Value one pound twelve shillings and Six pence by reason of which Seduceing the said Negro Sambo and the taking Conveying and Carrying of him and the said Rugg and Coat Shirt Breeches Stockings shooes and Hatt by the said Negro Cush alias Quashey by the said Instigation Order and Command of the said Paul Palmer he the said Nics. Crisp a true and faithfull Servant of our Sovereign Lord the King is much Damaged in Contempt of our Sovereign Lord the King to the great Terror of many of the Kings Subjects and against the Peace etc.

Billa Vera Nemine Contradicente Wm. Charleton foreman.

<*Indictment* v. *Paul Palmer.*> The Juror's for our Sovereign Lord the King Present upon their oaths That the Honorable Fredk. Jones Esqr. of the County of Albemarle Ch. Justice of this Province the 14 day of Aprll. 1720 to keep the Peace of our Sovereign Lord the King in the said Province and also to hear and Determine Felonys Trespasses and other evil Crimes in the said Province the said 14 day of Aprll. in the Year aforesaid a Certain warrant or Precept to one Charles Wilkins Planter then Constable made Directed and Deliver'd and by his said Warrant Commanded him the said Chas. Wilkins to make diligent Search for the body of one Cush alias Quashey a Negro man belonging to one Paul Palmer of Pequimans Precinct and him the said Cush alias Quashey to Attach and to bring before him the said Fredk. Jones Esqr. to be Examined for Seduceing and feloniously taking and Carrying away a Negro Slave Nam'd Sambo together with one new Rugg Value twenty five Shillings one Coat one Shirt one pair of New

Leather breeches one pair of Stockings one pair of new shooes and one hatt of the Value of one pound twelve shillings and Six pence all the proper Estate of one Nics. Crisp of Chowan Precinct Gentleman and also to bring the said Negro Sambo and the said Goods before him the said Fredk. Jones Esqr. Which said Chas. Wilkins Constable afterwards (to witt) the 18 day of Aprll. in the Year aforesaid at Pequimans aforesaid by Vertue of the aforesaid warrant to him Directed and Deliver'd the said Cush alias Quashey with the said Warrant did take and Attach And him the said Cush alias Quashey for the Cause aforesaid in his Custody then and there had kept And also that he the said Chas. Wilkins Constable the 23 day of Aprll. in the year aforesaid by Vertue of the aforesaid Warrant with the said Warrant did take and Attach the above Nam'd Negro Sambo and him had in his Custody Nevertheless Johanna Palmer wife of the said P. Palmer then and there well knowing the said Negro Sambo to be Arrested and Attach'd by the said Charles Wilkins Constable with the said <42> Warrant by force and Armes etc. the aforesaid 23d. day of Aprll. in the year aforesaid at Pequimans Precinct aforesaid the said Negro Sambo out of the Custody of the said Chas. Wilkins Constable against his Will then and there feloniously took and rescued and him the said Negro Sambo then and there at Large to Runn and goe away did permitt in great Contempt of our said Sovereign Lord the King and in Evil and pernitious Example to others in the like Case And also Contrary to the Peace of our said Sovereign Lord the King etc.

Billa Vera Nemine Contradicente Wm. Charleton foreman.

Order'd that if Wm. Charleton Henry Lysle, Jno. Urmston Patrk. Eggerton Christopr. Buttlor and Jams. Farlow do pay unto Jno. Blount Esqr. the fine appointed by Law being presented by the Grand Jury for Swearing etc. they shall be hereby Discharged.

Order'd that if Wm. Fryley and Lous. Montier do pay unto John Worley Esqr. the fine appointed by Law being Presented by the Grand Jury for Swearing etc. they shall be hereby Discharged.

Order'd that if Martin Cromen do pay unto Robt. West Esqr. the fine appointed by Law being presented by the Grand Jury for Swearing Four Oaths he shall be hereby Discharged.

Order'd that if Emanll. Low, Henry Pendleton and Benjn. West do pay unto John Palin Esqr. the fine appointed by Law being presented by the Grand Jury for Breaking the Sabbath they shall be hereby Discharged.

Order'd that if Wm. Smith, Jno. Relf and Edwd. Faircloth do pay unto Jno. Palin Esqr. the fine appointed by Law being presented by the Grand Jury for not keeping the Roads in Repair in their Severall Districts they shall be hereby Discharged.

<*Dominus Rex* v. *Chs. Wilks.*> Charles Wilks being call'd to Answer a Presentment of the Grand Jury for living in Open Adultery fail'd to Appear. Upon motion of the Attorney Generall Order'd that a Distringass do Issue against the next Court.

<*Dominus Rex* v. *Mary Brinn.*> Mary Brinn being call'd to Answer a Presentment of the Grand Jury for Cohabitting with Chas. Wilks fail'd to Appear. Upon motion of the Attorney Generall Order'd that a Distringas do Issue against the next Court.

<*Dominus Rex* v. *Abm. Spivey.*> Abraham Spivey being call'd to Answer a Presentment of the Grand Jury for Hoggstealing fail'd to Appear Upon Motion of the Attorney Generall Order'd that a Distringas do Issue against the next Court.

<*Dominus Rex* v. *Abm. Spivey.*> Abraham Spivey being call'd to Answer a Presentment of the Grand Jury for breaking the Sabbath fail'd to Appear. Upon Motion of the Attorney Generall Order'd that a Distringas do Issue against the next Court.

<*Dominus Rex* v. *T. Spivey et al.*> Thomas Spivey, Benjn. Spivey and Jacob Spivey being bound by Recognizance to Appear at this Court to Answer a Presentment of the Grand Jury for Hoggstealing Appear'd. Upon Motion of the Attorney Generall <43> Order'd that they Appear here the 3d. day of the next Generall Court upon the Same Recognizance to Answer the said Presentment.

<*Dominus Rex* v. *T. Spivey et al.*> Thomas Spivey Benjn. Spivey and Jacb. Spivey being bound by Recognizance to Appear at this Court Appear'd. Upon Motion of the Attorney Generall Order'd that they Appear here the 3d. day of the next Generall Court upon the Same Recognizance to Answer the said Presentment.

<*Dominus Rex* v. *Jer. Vail.*> Jeremiah Vail being call'd to Answer a Presentment of the Grand Jury for abusing Jno. Blount Esqr. one of the Justices of this Court fail'd to Appear, And the Marshall having fail'd to take him into Custody according to the Order of Last Court Order'd that he be now taken and be in Custody of the Marshall till he Enter into Recognizance to Appear here the 3d. day of the next Generall Court to Answer the said Presentment And be of his good behaviour in the mean time.

<*Dominus Rex* v. *Ja. Fleming.*> Jams. Fleming being Call'd to Answer a Presentment of the Grand Jury for abusing Thos. Roundtree Esqr. a Justice of the Peace for Chowan Precinct fail'd to Appear, And the Court being Satisfyed of his Incapability to Attend this Court by reason of Sickness Order'd that the Same be Continued till the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Jno. Hassell.*> The Jurors for our Sovereign Lord the King Present that on the 13th day of March 1718 being Sunday at Chowan Precinct in this Province One John Hassell of the said Precinct having not the fear of God before his Eyes but by Instigation of the Devil and against the Peace of our Sovereign Lord the King divers and Sundry prophane and Irreverent words and Speeches to the Dishonour of God Almighty himself and his Attributes and against the holy writt Profession and Religion now allow'd and professt by authority in his now Majesty of Great Brittains Dominions to the Discourageing and Subverting of all the faithfull and true beleivers and professors of the Protestant Church and Religion now by Law Established and Confirm'd did Utter Speak forth and give out Videlicet (That he was never beholden to God Almighty for a blew shirt for that he never had any thing from him but what he worked for) and further being Asked by one Rd. Batchelor how he liked the Sermon he had heard that day answer'd what good did it do him if he thought He (meaning the man who preacht) had Come to Save his Soul out of hell he would goe a hundred Mile to destroy him. He had never been beholden to God for any thing If an Angell should come down from Heaven and tell him face to face that he should Dye and be Damned to all Eternity he would not forbear Swearing at Some times. Which are against the Peace of our Sovereign Lord the King <44> that

now is his Royall Crown and Dignity and against the Law now in force both of God and man etc.

Danll. Richardson Attorney Generall

<*Plea.*> To which Indictment Jno. Hassell Pleads not Guilty.

<*Recognizance.*> John Hassell and Wm. Yates acknowledged themselves to be Indebted to our Sovereign Lord the King in the Summ of twenty five pound each to be Levyed upon their Lands and Tenements goods and Chattells with Condition That the said Jno. Hassell do personally here the 3d. day of the next Generall Court and not Depart the Court untill therefrom and that in the meantime he be of his good behaviour.

<*Dominus Rex* v. *Jno. Hassell.*> The Jurors for our Sovereign Lord the King Present that Jno. Hassell of Chowan Precinct in this Province at Chowan aforesaid against the Peace of our Sovereign Lord the King in a Lew'd and Dishonest manner live Cohabit and keep Company with one Sarah Wilkinson the wife of Wm. Wilkinson late of the Same Precinct in Contempt Disobedience and Contrary to An Order or Command or Orders or Commands of the Generall Court of this Province for that purpose made and now on Record in the said Court ready to be produced all which Actings of his the said Jno. Hassell are against the Peace of our Sovereign Lord the King that now is his Royall Crown and Dignity and against the Christian Religion and the force of the Laws of Great Brittain etc.

Danll. Richardson Attorney Generall

<*Plea.*> To which Indictment Jno. Hassell Pleads Not Guilty.

<*Recognizance.*> Jno. Hassell and Wm. Yates acknowledges themselves to be Indebted to our Sovereign Lord the King in the Summ of twenty five Pound each to be Levyed upon their Lands and Tenements Goods and Chattells with Condition That the said John Hassell do personally appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom and that In the mean time he be of his good behaviour.

<*Dominus Rex* v. *Wm. Alexander.*> Wm. Alexander being Call'd to Answer a Presentment of the Grand Jury for Forgery fail'd to Appear Order'd that a further Capias Do Issue for his Appearance here the 3d. day of the next Generall Court to answer the said Presentment.

<*Dominus Rex* v. *Davd. Ambross.*> David Ambross being Call'd to Answer a Present of the Grand Jury for Selling Liquor without a Lycence Appear'd and paid the fine by Law appointed Order'd that he be Dismisst.

<45> <*Dominus Rex* v. *Barnes and Price.*> Robert Barnes and Jno. Price being call'd to Answer a Presentment of the Grand Jury for Conveying away Chas. Wilks Presented by the Grand Jury for Living in Adultery Upon Motion of the Attorney Generall Order'd that they Appear here the 3d. day of the next Generall Court upon the Same Recognizance to Answer the Same Presentment.

<*Dominus Rex* v. *McDaniell and Attkins.*> Danll. McDaniel and Rt. Attkins being bound by Recognizance to Appear at this Court and thereof fail'd Order'd that a Scire-facias do Issue against the Same Recognizance.

<*Dominus Rex* v. *Caleb Stevins.*> Caleb Stevins being Call'd to Answer an Indictment found against him by the Grand Jury for taking a pair of Boxes Appear'd And acknowledged himself to be Indebted to our Sovereign Lord the

King in the Summ of twenty Pounds and Fras. Branch and Edwd. Pagett in the Summ of Ten Pounds each to be Levyed upon their Lands and Tenements Goods and Chattells with Condition That the said Caleb Stevins do personally here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom and that in the mean time he be of his good behaviour.

<*Dominus Rex* v. *Fras. Branch.*> Frans. Branch being bound by Recognizance to Appear at this Court to Answer a Presentment of the Grand Jury for Retailing Liquor without Lycence Appear'd Order'd that he Appear here the 3d. day of the next Generall Court on the Same Recognizance to Answer the Same Presentment.

<*Dominus Rex* v. *Jo. Jessop.*> Joseph Jessop being bound to Appear at this Court And the Attorney Generall being present was ask'd if he had any thing to Say against him Answer'd No. Order'd that he be Dismisst paying Costs.

<*Recognizance* v. *Jno. Relf.*> John Relf being bound by Recognizance to Appear at this Court And the Attorney Generall being present was Ask'd if he had any thing to Say against him Answer'd No. Order'd that he be Dismisst paying Costs.

<*Dominus Rex* v. *Wm. Brasswell.*> Wm. Brasswell being call'd to Answer an Indictment found against him by the Grand Jury for abusing Rd. Washington a Constable in the Execution of his Office Appear'd and Acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of twenty Pounds and Jno. Birkett in the like Summ of twenty Pound to be Levyed upon their Lands and Tenements Goods and Chattells with Condition That the said Wm. Brasswell do personally Appear here the 3d. day of the next Generall Court and Not depart the Court untill Discharged therefrom And that in the meantime he be of his good behaviour.

<46> <*Dominus Rex* v. *Thos. Stoneeham.*> Thomas Stoneeham being Call'd to answer an Indictment found against him by the Grand Jury for abusing Rd. Washington a Constable in the Execution of his Office Appear'd and Acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of twenty Pounds and Jams. Bate in the Like Summ of twenty Pounds to be Levyed upon their Lands and Tenements goods and Chattells with Condition That the said Thomas Stoneeham do personally Appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom and that in the meantime he be of his good behaviour.

<*Dominus Rex* v. *Jno. Birkett Senior and Junior.*> Jno. Birkett Senior and Jno. Birkett Junior being Call'd to Answer an Indictment found against them by the Grand Jury for Forceable Entring the house of Jenkin Williams etc. And Acknowledged themselves to be Indebted to our Sovereign in the King in the Summ Two hundred Pounds each and Thos. Paris in the Summ of one hundred Pound to be Levy'd upon their Lands and Tenements goods and Chattells with Condition That if the said Jno. Birkett Senior and Jno. Birkett Junior do Personally appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom And that in the meantime they be of their good behaviour.

<*Dominus Rex* v. *Jno. Birkett Junior.*> John Birkett Junior being Call'd to Answer an Indictment found against him by the Grand for Forceably Entring

etc. the House of Jenkin Williams, Appear'd And acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of three hundred Pound and Thos. Paris and Patrick Ogleby in the Summ of One Hundred Pound each to be Levy'd upon their Lands and Tenements goods and Chattells with Condition That if the said John Birkett Junior do personally appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom And that in the meantime he be of his good behaviour.

<*Dominus Rex* v. *Jams. McDaniel.*> Jams. McDaniel being Call'd to Answer for Felloniously taking Some money belonging to Eben-Ezer Taylor and having broken out of the Custody of the Marshall fail'd to Appear Order'd that he be taken into the Marshall's Custody and Appear here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *P. Palmer and Uxor.*> Paul Palmer and Joanna his wife being call'd to Answer an Indictment found against them by the Grand Jury for Feloniously taking a Negro man Nam'd Sambo with other goods the Estate of Nics. Crisp the said Paul Appear'd and Acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of One hundred Pound and Thos. Luten and Wm. Stewart in the Like Summ of one hundred Pound each to be Levyed upon their Lands and Tenements Goods and Chattells with Condition that the said Paul Palmer and Joanna his wife Appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom and be of his good behaviour in the meantime.

<47> <*Dominus Rex* v. *P. Palmer.*> Paul Palmer being call'd to Answer an Indictment found against him for a Misdemeanour Appear'd and Acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of One hundred Pound and Thos. Luten and Wm. Stewart in the Summ of One hundred Pound each to be Levyed upon their Lands and Tenements goods and Chattells with Condition That the said P. Palmer do personally here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom And in the meantime he be of his good behaviour.

<*Dominus Rex* v. *Joanna Palmer.*> Joanna Palmer being Call'd to Answer an Indictment found against her by the Grand Jury for a Rescousi fail'd to Appear Order'd that a Venire do Issue out for her Appearance here the 3d. day of the next Generall Court to Answer the Same.

<*Recognizance* v. *Chas. Hopton.*> Charles Hopton being bound by Recognizance to Appear at this Court Appear'd. Order'd that he Appear here the 3d day of the next Generall Court upon the Same Recognizance.

<*Recognizance* v. *Davd. Ambross. Dismisst.*> David Ambross being bound by Recognizance to Appear at this Court Appear'd, And the Attorney Generall having nothing to say against him Order'd that he be Dismisst paying Costs.

Adjourn'd to the Court in Course.

Fred. Jones. Ch. Justice

[*March 1721*]

[*CCR 105*]

<217> North Carolina Ss.

Att a Generall Court held for the said Province at the Generall Court-house at Queen Ann's Creek in Chowan Precinct the 28th. day of March 1721 and Continued to the 4th day of Aprill following. Present John Worley Esqr.

The Court being Open'd Adjournd till tomorrow morning 8 a Clock.

Wednesday the 29th. March.

The Court mett according to Adjournment. Present The Honorable Fredk. Jones Esqr. Ch. Justice Jno. Blount [*torn*] Miller Jno. Worley Thos. Pollock Junior Esqr. Justices.

The following Order of Council is Read and Ordered to be [*torn*].

Att a Council held Aprill the 4 1720. Mr. Ch. Justice Jones having made a Motion to this Board [*torn*] that Severall persons Inhabitants of this Government are [*torn*] to very great hardship and Difficulty by reason of Collonell [*torn*] his Suspension from pleading he having undertaken [*torn*] and having their papers in his hands.

Whereupon the Board unanimously agree that [*torn*] have Liberty to Plead and Speak to Such [*torn*] make appear to Mr. Ch. Justice he was acti[*torn*] pass'd upon by the Generall Court [*torn*].

[*Torn*] will and Testament of Jno. Bell is pro[*torn*] Willson.

[*Torn*] Will and Testament of Thos. Hayman is [*torn*].

[*Torn*] of Margt. Fleming Letters of Ad[*torn*] Fleming here [*torn*] according [*torn*].

<218> <*Keesible* v. *Hendrick Execution.*> Upon the Petition of Michl. Keesible by Thos. Boyd his Attorney Setting forth that he had Obtain'd a judgement in the Precinct Court of Craven against Thos. Hendrick for three Pound Sterling with Costs of Suit And the said Hendrick being remov'd out of the said Precinct so that nothing can be found within the Same whereon to Levy Execution. It is Order'd that Execution do Issue from this Court against the said Hendrick wherever to be found in this Government for the aforesaid Debt and Costs.

<*Calf* v. *Wade Execution.*> Upon the Motion of Robt. Calf, having obtain'd a judgement against Wm. Wade for Ten pounds Sterling due by Bill in the Precinct Court of Chowan And the said Wade being remov'd out of the said Precinct and nothing to be found within the Same to Levy Execution It is Order'd that Execution do Issue from this Court against the said Wade wheresoever to be found in this Government for the aforesaid Debt and Costs of Suite.

<*E. Moseley's Motion.*> Collonell Edwd. Moseley made the following Motion to the Court Videlicet

To the Honorable the Justices of the Generall Court.

Edwd. Moseley sheweth That a Prosecution was Comenced against him in his Majestys Name for Speaking Sundry words as appears by an Indictment found by the Grand Jury at the Generall Court held in Chowan Precinct in July 1719. Upon which Prosecution Judgement was pass'd against the said Edward Moseley at the Generall Court held in October 1719 in which Prosecution and Judgement and the proceedings thereupon Error Manifest hath Intervened.

The said Moseley therefore humbly prays that upon this his motion a day may be Assigned by this Court pursuant to the Act of Assembly Intituled an Act concerning Appeals and Writts of Error for the hearing the Errors at the next Court and that a day may be Appointed for the said Edward Moseley to file his Errors in the mean time.

And thereupon the Ch. Justice and Thos. Pollock take time to Advise till the next Court whether his Motion be within the meaning of the Law. Mr. Justice Blount and Mr. Justice Worley reject the motion as not within the meaning of the Law. Mr. Miller is Absent.

<*Luten* v. *Champion.*> Upon the Ejectment of Thos. Luten Junior against Orlando Champion the Attorney and receiver Generall offerd an information relating to the said Cause and Edwd. Moseley Attorney [for] the Plaintiff a Motion against the receiving the Same but there being but three Members that Could Sitt in the Cause. It is Order'd that it Stand upon the Same foot it now doth till the next Court.

[*Torn*] In the Action of Debt upon Account brought by Jno. Lovick against Wm. Maule not being prosecuted is Dismisst.

[*Torn*] In the Action of Detinue brought by Maurice Moore against Wm. Stone not being prosecuted is Dismist.

[*Torn*] In the Action of Trespass on the Case brought by Maurice Moore against Wm. [Stone] not being Prosecuted is Dismisst.

[*Torn*] Action of Debt brought by Jno. Simons against Wm. Stone not [*torn*] Prosecuted is Dismist.

[*Torn*] Action of Debt brought by Peter Vanluven [*torn*] is Dismisst.

[*Torn*] Motion of Wm. Yates Evidence at the Suite [*torn*] oath of his Attendance. Order'd that he [*torn*] of three pound one shilling [*torn*].

[*Torn*] Michll. King Order'd [*torn*].

<219> <*Bray* v. *Lysle Dismist.*> In the Action of Debt for Ten Pound Sterling brought by Thos. Bray against Henry Lysle not being Prosecuted is Dismist.

<*Pike* v. *Palin Dismist.*> The Action of Detinue brought by Jean Pike widow Executrix etc. against John Palin is Dismist the Plaintiff being Marryed.

<*Swann* v. *Parker Judgement Nihil Dicet.*> In the Action of the Case brought by Thos. Swann against Wm. Parker for one hundred pound Sterling Damage by reason of the Defendant Detaining a Servant of the Plaintiff the Defendant being return'd Arrested at the Court held in October 1718 and failing to Appear, It was Consider'd by the Court that the Marshall should pay the Damage Contain'd in the Plaintiffs Declaration unless the Defendant Appear'd and Answer'd at the then next Court, which Cause has been Continued by the Consent of both partys ever since the then next Court until this Court And now the Defendant also failing to Appear, on the Plaintiffs Motion Judgement is Granted him by Nihil Dicet.

<*Smith* v. *Haslett. Dismist.*> In the Action of the Case brought by Robt. Smith Against Wm. Hasslett not being prosecuted is Dismisst.

<*Blulett* v. *Rodewall Dismist.*> In the Action of the Case brought by Abraham Blulett against Samll. Rodewall the Plaintiff Demurr'd to the Defendants Plea, the Defendant pray'd time to Consider of the Demurrer till next Court which was Granted.

<*Morgan* v. *Welch. Continued.*> The Action brought by Josph. Morgan against Jams. Welch is Continued by Consent.

<*Lathinghouse* v. *Palmer and Uxor. Judgement by Nihil Dicet.*> In the Action of the Case brought by Andw. Lathinghouse against Paul Palmer and Joanna his wife late call'd Joannah Peterson Widow for Ten pound Sterling Damages being return'd Arrested at the Court held in July 1719 and failing to Appear It was Consider'd by the Court that the Marshall should pay the Damages Contain'd in the Plaintiffs Declaration unless the Defendant appear'd and Answer'd at the then next Court which Cause has been Continued by Consent ever Since the then next Court untill this Court And Now the Defendant also failing to Appear on the Plaintiffs Motion Judgement is Granted him on Nihil Dicet.

<*Newman* v. *Mixon.*> The Action of Debt for three pound Seven shillings Sterling brought by John Newman against John Mixon not being Prosecuted is Dismist.

<*Newman* v. *Mixon.*> In the Suit brought by Jno. Newman against John Mixon for five Pound Sterling not being prosecuted is Dismisst.

<*Jones Assignee* v. *Pettiver and Uxor Dismist.*> The Action of the Case brought by Frederick Jones Esqr. Assignee of [*torn*] Whitehead against Jno. Pettiver and Ann his Wife Executrix etc. of [*torn*] being Agreed is Dismisst.

<*Jones* v. *Pettiver and Uxor. Dismist.*> The Action of the Case brought by Fredk. Jones Esqr. against Jno. Pettiver [*torn*] his wife Executrix etc. of Isc. Willson not being prosecuted [*torn*].

<*Havett and Uxor* v. *Braveboy Order* v. *Marshall.*> Jack Bravboy being return'd Arrested at the Suit of [*torn*] his Wife Executrix of the last will and Testament of Thos. Clark [*torn*] pounds due by Account and now failing to Appear It is [*torn*] Court that the Plaintiffs recover and have against the Marshall [*torn*] Pounds with Costs unless the Defendant appear and [*torn*] Court.

[*Torn*] the Motion of the said Provost Marshall [*torn*] attachment be Granted against the Estate of the [*torn*] Five pounds with Costs returnable to [*torn*] brought by Thos. Betterley against Jno. [*torn*] by reason of an Escape [*torn*] by the Plaintiff unless [*torn*] appear'd in Custody.

<220> <*Fryley* v. *Montier.*> The Action of the Case brought by Wm. Fryley against Louis Montier not being Prosecuted is Dismisst.

<*Oden* v. *Blount.*> The Action of the Case brought by Jno. Oden against Jacb. Blount not being Prosecuted is Dismist.

<*Fryley and Davis Evidence.*> Order'd that Thomas Davis be allow'd two pound three shillings and four pence and Wm. Fryley One pound thirteen shillings and four pence by the said Plaintiff for their Attendance in Evidence in the said Cause alias Execution.

<*Ogleby* v. *Batchelor. Dismist.*> The Action of Debt brought by Patrick Ogleby against Richard Batchelor not being Prosecuted is Dismist.

<*Jordan* v. *Stewart. Plea. Time to Consider.*> The Action of the Case brought by Thos. Jordan against Wm. Stewart the Defendant putt in his Plea. The Plaintiff pray'd time till the next Court to Consider the Same which was Granted.

<*Dowers* v. *Wms. Dismist.*> The Action of Debt brought by Wm. Dowers against Rt. Williams not being Prosecuted is Dismist.

<*Hand* v. *Frank Dismist.*> The Action of the Case brought by Petr. Hand against Martin Frank not being Prosecuted is Dismisst.

<*Betterley* v. *Jordan.*> In the Suit brought by Thos. Betterley against Thos. Jordan for Fifteen Pound ten shillings Sterling Debt the Defendant being formerly return'd Arrested and failing to Appear <*Judgement Confirm'd* v. *Marshall.*> It was then Consider'd by the Court that the Plaintiff recover and have against Thos. Harvey Esqr. Provost Marshall the like Summ of Fifteen pounds Ten shillings Sterling with Costs of Suit And now the Defendant being call'd and failing to Appear It is Consider'd by the Court that the Plaintiff recover and have against the said Thos. Harvey the like Summ of Fifteen Pound ten shillings Sterling with Costs Except twelve Pound Current money which the Plaintiff acknowledges to have received alias Execution.

<*Betterley Assignee* v. *Wm. Badham. Oyer.*> In the Action of Debt brought by Thos. Betterley Assignee of John Butcher against Wm. Badham the Defendant having formerly pray'd Oyer and the Plaintiff not having Lodged his Obligation till this Court, the Defendant pray'd farther Oyer which was Granted.

<*Betterley* v. *Badham and Paris. Oyer.*> In the Action of Debt brought by Thos. Betterley against Wm. Badham and Thos. Paris, the Defendant having formerley pray'd Oyer, but the Obligation not being Lodged till this Court the Defendant pray'd farther Oyer was Granted.

<*Betterley* v. *Bray.*> In the Suit brought by Thos. Betterley against Thos. Bray for an Assault the Defendant pray'd a Speciall Imparlance which was Granted.

[*Torn*] In the Suite brought by Geo. Monk against Thos. Bray for Sixteen Pound Eleven shillings and three pence due by Account the Same is refer'd to Jno. Lovick Esqr. and Wm. Badham to Auditt and Settle the said Account between the said Partys Sometime between this and the next Court and that they make report thereof to the next Court.

[*Torn*] The Suit brought by Thos. Bray against Thos. Betterley for One hundred Pounds due by Obligation is referr'd to Jno. Lovick Esqr. and Wm. Badham [*torn*] to Auditt and settle the Same between the said Partys and that they [*torn*] report thereof to the next Court.

[*Torn*] Suit brought by Thos. Bray against Thos. Betterley for [*torn*] Pounds [*torn*] shillings Sterling due by Bill is referr'd to [*torn*] Badham Gentleman to Auditt and Settle the Same [*torn*] make report thereof to the next Court.

[*Torn*] the Case brought by Patrk. Maule against [*torn*].

<221> <*Pollock* v. *Salisberry.*> In the Suit brought by Thos. Pollock Senior against Andw. Salisberry for twenty Pounds Sterling due by bond. An Attachment being now Return'd Nulla Bona, the Plaintiff Proceeded to prove his Debt which was duely Proved. Whereupon he pray'd Judgement for his said Debt and Execution thereon against the Personall Estate of the said Salisberry according to the Law of this Country which was Granted.

<*Jones* v. *Pettiver and Uxor Executrix etc.*> In the Action of Account Render brought by Fredk. Jones Esqr. against John Pettiver and Ann his wife Executrix of the Last Will and Testament of Isac. Willson Deceased for Fifty Pound Sterling Damage, the Cause being Continued by Consent last Court and now failing to appear and plead on the Plaintiffs motion Judgement is Granted him by Nihil Dicet.

<*Calf* v. *Bateman Dismist.*> The Action of Debt brought by Robert Calf against Johnathn. Bateman not being Prosecuted is Dismist.

<*Pagett* v. *Bray. Trespass. Imparlance.*> In the Suit brought by Edwd. Paget against Thos. Bray for a Trespass etc. on the Defendants Motion a Special Imparlance is Granted.

<*Durant* v. *Batchelor Attachment Continued.*> In the Action of Debt brought by Thos. Durant against Richard Batchelor an Attachment being formerly Granted, but the Same not being Executed Ordered that another Attachment Issue so as to Compell him to Appear etc. at the next Court.

<*Badham* v. *Carter Dismist.*> The Action of Debt brought by Wm. Badham against Edwd. Carter not being Prosecutted is Dismist.

<*Jordan* v. *Bell Appeal.*> In the Appeal brought by Joseph Jordan against Jno. Bell from the Precinct Court of Pasquotank Upon the Defendants Motion time is given him till the next Court to Answer the Errors, which are to be fil'd Fifteen days before the said next Court.

<*Lawrance* v. *Taylor Imparlance.*> In the Suit brought by Abraham Lawrance against Thos. Taylor for One hundred and Sixty Pound Damage upon the Defendants Motion an Imparlance is Granted.

<*Lawrance* v. *Taylor Imparlance.*> In the Suit brought by Abraham Lawrence against Thos. Taylor for twelve pound Damage Upon the Motion of the Defendant an Imparlance is Granted.

<*Mason* v. *Phelps.*> In the Ejectment brought by Jno. Mason Plaintiff against Samll. Phelps Defendant the Plaintiff and Defendant Appear And a Jury to Enquire thereof is Impannell'd by the [Corroner] (Videlicet) Henry Bonner, Wm. Cranford, Fras. Brown Wm. Hancock, Jno. Bryan, Wm. Hardy, Matthew Caswell, and Samll. Spruill, Jno. Champion Edward Wingate, Edward Outlaw [*torn*] being Sworn Say <*Virdict*> We of the Jury find for the [*torn*] Costs.

<*Dowars* v. *Walker Dismist.*> The Action of Debt brought by Wm. Dowars against Morris Walker [*torn*] being Prosecuted is Dismist.

<*Righton* v. *Frank Dismist.*> The Action of Debt brought by Lewis Righton against Mart[*torn*] being Prosecuted is Dismist.

<*Dowars* v. *Montier Order* v. *Marshall.*> In the Action of Debt brought by Wm. Dowar against Lewis [*torn*] Nine Pounds the Defendant being return'd Arrested and [*torn*] the Plaintiffs Motion an Order is Granted against [*torn*] Debt and Costs: Unless the Defendant appear and [*torn*].

[*Torn*] Upon the Motion of the Marshall [*torn*] against the Estate of the said Defendant for [*torn*] Debt brought by Bryan H[*torn*].

<222> <*Lovick* v. *Jordine Dismist.*> The Action of Debt brought by Jno. Lovick against Solomn. Jordine not being Prosecuted is Dismist.

<*Plowan* v. *Jordine Dismist.*> In the Suit brought by John Plowman against Solomn. Jordine No Declaration being fil'd the Same is Dismist.

<*Bray* v. *Nairn. Dismist.*> The Action of Debt brought by Thos. Bray against Jno. Nairn not being Prosecuted is Dismist.

<*Bray* v. *Ming Order* v. *Marshall.*> In the Suit brought by Thos. Bray against Jams. Ming for Seven Pounds due by Account the Defendant being return'd Arrested etc. failing to Appear Upon the Plaintiffs Motion an Order is Granted against the Marshall for the aforesaid Debt and Costs unless the Defendant Appear and Answer at the next Court.

<*Marshall* v. *Ming Attachment.*> Upon the Motion of the Marshall an Attachment is Granted him against the Estate of the Defendant for the aforesaid Debt and Costs.

<*Bray* v. *Farlow Order* v. *Marshall.*> In the Suit brought by Thos. Bray against Jams. Farlow for thirty one Pound Nine shillings and eight pence due by Account the Defendant being return'd Arrested and failing to Appear, Upon the Plaintiffs Motion an Order is Granted against the Marshall for the aforesaid Debt and Costs unless the Defendant appear and Answer at the next Court.

<*Marshall* v. *Farlow Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Pettiver* v. *Hawks. Dismist.*> The Action of Debt brought by Jno. Pettiver against Seth Hawks for three hundred pound not being Prosecuted is Dismist.

<*Hill* v. *Newman. Dismist.*> The Action brought by Henry Hill against Jno. Newman for Fifteen Pound Seventeen shillings not being Prosecuted is Dismist.

<*Porter and Uxor* v. *Wmson. Imparlance.*> In the Suit brought by Joshua Porter and Katherine his Wife Executrix of the last Will and Testament of Tobias Knight Deceased against Jams. Williamson for twenty pound Damage. The Defendant pray'd a Speciall Imparlance which was Granted.

<*Simpson* v. *Handry Dismist.*> The Suit brought by Jno. Simpson against Thos. Handrey for one hundred Pounds Damage not being Prosecuted is Dismist.

<*Kirby* v. *Jessop. Order* v. *Marshall.*> In the Action of the Case brought by Edmd. Kirby against Josph. Jessop the Defendant being return'd Arrested and failing to Appear Upon the Plaintiffs Motion an Order is Granted against the Marshall for the Damages Contain'd in the Plaintiffs Declaration being One hundred Pounds Sterling with Costs unless the Defendant Appear and Answer at the next Court. Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the aforesaid Damages and Costs which was Granted.

[*Torn*] The Action of the Case brought by Seth Hawks against Jno. Pettiver for one Mulatto Boy Nam'd James not being Prosecuted is Dismist.

[*Torn*] The Action of Debt brought by Wm. Reed against Wm. Willson for Sixty four pound seven shillings not being Prosecuted is Dismist.

[*Torn*] The Action of Debt brought by Wm. Reed against Wm. Willson for Fourteen Pound [*torn*] shillings due on Account Not being Prosecuted is Dismist.

[*Torn*] Action of Account Render brought by Wm. Reed against Wm. Willson not [*torn*] Prosecuted is Dismist.

[*Torn*] Suit brought by Caleb Bundy against Wm. Badham [*torn*] Debt is Continued by Consent.

[*Torn*] brought by Tobias Conyer against Jno. Pettiver [*torn*] Debt is Continued by Consent.

[*Torn*] brought by Nics. Crisp against [*torn*] being return'd Arrested and failed [*torn*] is Granted against the [Marshall] [*torn*].

<223> <*Marshall* v. *Palmer Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the said Defendant for the aforesaid Damages with Costs which was Granted.

<*Nickerson* v. *Betterley Executor.*> The Suit brought by Nics. Nickerson against Thos. Betterley Executor of Richd. Grill Deceased for two Pound eighteen shillings Sterling Not being Prosecuted is Dismist.

<*Little* v. *Boyd and West Executors Dismist.*> The Action of the Case brought by Wm. Little against Winefred Boyd and Benjn. West Executors is Dismist the Defendant being Dead.

<*Kenyon* v. *Handry. Continued.*> The Suit brought by Rogr. Kenyon against Thos. Handry for Eight Pounds due by Account is Continued on the Motion of the Plaintiff.

<*Dowars* v. *Wms. Dismist.*> The Suit brought by Wm. Dowars against Robt. Williams for Four Pounds Eight shillings Debt not being Prosecuted is Dismist.

<*Birkett* v. *Turnedge Order* v. *Marshall.*> In the Suit brought by Jno. Birkett against Geo. Turnedge for Six Pound due by Account the Defendant being return'd Arrested and failing to Appear Upon the Motion of the Plaintiff an Order is granted against the Marshall for the aforesaid Debt and Cousts unless the Defendant appear and answer at the next Court.

<*Marshall* v. *Turnedge Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for aforesaid Debt and Costs which was Granted.

<*Birkett* v. *Turnedge Order* v. *Marshall.*> In the Suit brought by John Birkett against Geo. Turnedge for three Pounds Sterling due by Bill, the Defendant being return'd Arrested and failing to Appear Upon the Plaintiffs Motion an Order is Granted against the Marshall for the aforesaid Debt and Costs unless the Defendant Appear and Answer at the next Court.

<*Marshall* v. *Turnedge Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Porter* v. *Merreday. Dismist.*> The Action of Debt brought by Jno. Porter against Thos. Merreday the Same being Agreed is Dismist.

<*Crisp* v. *Palmer Order* v. *Marshall.*> In the Action of the Case brought by Nics. Crisp against Paul Palmer for Fifty Pound Sterling Damage the Defendant being return'd Arrested And failing to Appear, Upon the Plaintiffs Motion an Order is Granted against the Marshall for the aforesaid Damages and Costs, unless the Defendant Appear and Answer at the next Court.

<*Marshall* v. *Palmer Attachment.*> Whereupon the Marshall prayd an Attachment against the Estate [*torn*] Defendant for the aforesaid Damages and Costs which was Granted.

<*Davis* v. *Richards Dismist.*> The Action of the Case brought by Othniel Davis against [*torn*] not being prosecuted is Dismist.

<*Gale* v. *Bray. Dismist.*> The Action brought by Edmd. Gale against Thos. Bray [*torn*] being fild is Dismist.

<*Gray* v. *Brown Continued.*> The Suit brought by Jno. Gray against Philip Brown [*torn*] John Culle for Six pounds Debt is Continued on [*torn*] till the next Court.

<*Gray* v. *Brown Continued.*> [*Torn*] Suit brought by Jno. Gray against Philip Brown for [*torn*] shillings and Seven pence Sterling Debt [*torn*] till the next Court.

[*Torn*] [The Action] of the Case brought by the Honorable [*torn*] against Wm. Maule not being Prosecuted [*torn*].

[*Torn*] brought by Thos. Swan [*torn*] of Currytuck the [*torn*].

<224> <*Jones* v. *Dowars. Appeal time to Answer Errors.*> In the Appeal brought by Wm. Jones Against Wm. Dowars the Defendant pray'd time till the next Court to Consider of the Errors fill'd by the Plaintiff which Granted, the Same being Order'd to be fill'd Fifteen days before the next Court.

<*Jones* v. *Shakleford Appeal and time to Answer Errors.*> In the Appeal brought by Wm. Jones against Joseph Shakleford from the Precinct Courts of Beaufort and Hyde the Defendant pray'd time till the next Court to Consider of the Errors fil'd by the Plaintiff which was Granted.

<*Moseley* v. *Fewox Dismist.*> The Action of the Case brought by Edwd. Moseley against Robt. Fewox being agreed is Dismist.

<*Steeley* v. *Worley Dismist.*> The Action of the Case brought by Wm. Steeley against Jno. Worley being agreed is Dismist.

<*Porter and Uxor* v. *Stanton Dismist.*> The Action of Debt brought by Josa. Porter and Katherine his wife Executrix etc. of Tobias Knight for Eleven pound ten shillings is Dismist the Defendant being Dead.

<*Porter and Uxor* v. *Blitchenden etc. Order* v. *Marshall.*> In the Suite brought by Josa. Porter and Katherine his wife Executrix etc. of Tobs. Knight for Four pounds five shillings and Six pence the Defendant being return'd Arrested and failing to Appear Upon the motion of the Plaintiff an Order is Granted against the Marshall for the aforesaid Summ of £4 5*s*. 6*d*. with Costs unless the Defendant Appear and Answer at the next Court.

<*Marshall* v. *Blitchendon Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the aforesaid Summ of £4. 5*s*. 6*d*. with Costs which is Granted.

<*Orook* v. *Blitchendon Order* v. *Marshall.*> In the Suit brought by David Orook against Thos. Blitchendon for twenty pound Damage the Defendant being return'd Arrested and failing to Appear Upon motion of the Plaintiff an Order is Granted against the Marshall for the aforesaid Damages and Costs unless the Defendant Appear and Answer at the next Court.

<*Marshall* v. *Blitchenden Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the said Defendant for the said Damages and Costs which was Granted.

<*Moseley* v. *Johnson Continued.*> The Action brought by Edwd. Moseley against Frans. Johnson for Ten pound thirteen shillings and eight pence due by Account is Continued by Consent.

<[*Torn*] *Evans* [*torn*].> The Suite brought by Edwd. Moseley against Jno. Evans for Seven Pound two shillings due by Account is Continued by Consent.

[*Torn*] The Suit brought by Edward Moseley against Solomn. Jordine for Sixteen pound three shillings due by Account is Continued by Consent.

[*Torn*] The Action of Debt for Forty five shillings brought by Josa. Porter and Katherine his wife Executrix etc. not being Prosecuted is Dismist.

[*Torn*] The Action of Debt for Fifty shillings brought by Josa. Porter and Katherine his wife Executrix etc. is Dismist the Defendant being Dead.

[*Torn*] Suit brought by Thos. Pierce against Wm. [*torn*] Fifteen [*torn*] ten shillings Sterling the Defendant pray'd [*torn*].

[*Torn*] Action of Debt brought by Thos. Betterley [*torn*] prosecuted is Dismist.

[*Torn*] brought by Mary Chapman Executrix etc. [*torn*] Case for twenty one thousand [*torn*] Pork due [*torn*] <225> the motion of the Plaintiff Judgement is granted against the said [*blank*] for the aforesaid Debt and Costs with Stay of Execution till the next Court.

<*Chapman* v. *Dun Attachment.*> In the Suite brought by Mary Chapman Widow Administratrix etc. of Benjn. Chapman against Chas. Dunn for Four thousand Six hundred and Fifty four pounds of Tobacco due by Bill the Marshall having made return of the writt Copy Left and the Defendant failing to Appear Upon the Motion of the Plaintiff an Attachment is Granted against the Estate of the Defendant for the aforesaid Debt and Costs so as to Compell him to appear etc. at the next Court.

<*Chapman* v. *Wms. Attachment.*> In the Suit brought by Mary Chapman Widow Administratrix etc. of Benjn. Chapman against Samll. Williams for Fifty two shillings and three pence Current money of Virginia and Ninety five pound of Merchantable Pork due by Bill, the Marshall having made return of the Writt Copy Left and the Defendant being call'd fail'd to Appear, The Plaintiff pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Chapman* v. *Jones Dismist.*> The Action of the Case brought by Benjn. Chapman against Chas. Jones not being Prosecuted is Dismist.

<*Brown* v. *Wms. Attachment.*> In the Suit brought by Wm. Brown against Samll. Williams for Four Pounds Fifteen shillings and two pence due by Account the Marshall having made returne of the Writt Copys Left and the Defendant being call'd fail'd to Appear The Plaintiff pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Brown* v. *Peacock Attachment.*> In the Suit brought by Wm. Brown against Samll. Peacock for Five pound one shilling and Ten pence half penny due by balance of Account the Marshall haveing made returne of the Writt Copy Left and the Defendant being call'd fail'd to Appear The Plaintiff pray an Attachment against the Estate of the Defendant for the Debt aforesaid and Costs which was Granted.

<*Chapman* v. *Humphry Order* v. *Securitys.*> In the Suit brought by Mary Chapman Widow Administratrix etc. of Benjn. Chapman against Robert Humphry for thirty Seven pound Nine shillings and Eleven pence half penny due by Obligation the Defendant being return'd Arrested And [*blank*] became Bail

Upon motion of the Plaintiff Judgement is Granted against the said [*blank*] for the aforesaid Debt and Costs.

<*Markham* v. *Carter Dismist.*> In the Suit brought by Levi Markham against Edwd. Carter for [*torn*] hundred Fifty two pounds twelve shillings and Six pence. The [*torn*] by the Attachment return'd by the Marshall not being of the [*torn*] Edwd. Carter the Same is Dismist.

<*Havett* v. *Falconar Appeal.*> In the Appeal brought by Wm. Havett against John Falconar [*torn*] the Precinct Court of Chowan the Defendant pray'd time [*torn*] Court to Consider of the Errors fil'd which was [Granted].

<*Ogleby* v. *Sal*[*torn*] *Dismist.*> An Action of the Case brought by Patrick Ogleby against [*torn*] being Deliv'd the Plaintiff is Dismist [*torn*].

[*Torn*] Action of Trespass And Assault brought [*torn*] said Howcott Two hundred pound Damage [*torn*].

<226> <*Belcher* v. *Pettiver Attachment.*> In the Action of Debt brought by Johnan. Belcher against John Pettiver for three hundred Pounds the Defendant being Lawfully Serv'd with a Copy of the Writt and Declaration and being Call'd fail'd to Appear, The Plaintiff pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Belcher* v. *Pettiver. Attachment.*> In the Action of Account Render brought by Johnan. Belcher against John Pettiver for three hundred Pounds due on Account the Defendant being Lawfully Serv'd with a Copy of the Writt and Declaration and being Call'd fail'd to Appear, The Plaintiff pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Clayton* v. *Bozman Attachment.*> In the Action of Trespass brought by Henry Clayton against Samll. Bozman for twenty five pounds Damage, the Defendant being Lawfully Serv'd with a Copy of the writt and Declaration, And being Call'd fail'd to Appear, The Plaintiff pray'd an Attachment against the Estate of the Defendant for the Damages aforesaid and Costs which was Granted.

<*Odam* v. *Parker. Dismist.*> The Action of Debt brought by Aaron Odam against Jams. Parker not being Prosecuted is Dismist.

<*Richardson* v. *Cressey Order* v. *Marshall.*> In the Action brought by Danll. Richardson Against Levi Cressey for two pound Fourteen shillings and Six pence due by Account the Defendant being return'd Arrested and failing to Appear Upon the Plaintiffs Motion an Order is Granted against the Marshall for the aforesaid Debt and Costs, unless the Defendant Appear and Answer at the next Court.

<*Marshall* v. *Cressey Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Ellison* v. *Cressey Order* v. *Marshall.*> In the Action brought by Jno. Ellison against Levi Cressey for two pounds two shillings and Six pence due by Account, the Defendant being return'd Arrested, and failing to Appear. Upon the Plaintiffs Motion an Order is Granted against the Marshall for the aforesaid Debt and Costs unless the Defendant Appear and Answer at the next Court.

<*Marshall* v. *Cressey Attachment.*> Whereupon the Marshall pray'd an Attachment against the Estate of the Defendant for the aforesaid Debt and Costs which was Granted.

<*Richardson* v. *Simpson. Continued.*> The Action of Debt brought by Danll. Richardson against Wm. Simpson is Continued on the Motion of the Plaintiff.

[*Torn*] The Suit brought by Christopr. Gale against Rt. Carver not being Prosecuted is Dismist.

[*Torn*] The Suit brought by Christophr. Gale against Josa. Deten not being prosecuted is Dismist.

Adjourn'd to the next Court in Course.

Fred. [Jones] Ch. Justice

[*March 1721*]

[*CCR 103*]

<47> North Carolina Ss.

Att a Generall Court of Oyer and Terminer Continued and held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 30th. day of March 1721 and Continued to the 4 Aprill. Present The Honorable Frederick Jones Esqr. Ch. Justice Jno. Blount Thos. Miller Jno. Worley Thos. Pollock Junior Esqrs.

The Grand Jury are Impannell'd and Sworn. Thos. Betterley Foreman. Jams. Farlow, Wm. Havett, Wm. Willson, Wm. Stewart, Samll. Bernard, Jno. Rasberry, Griffeth Jones, Wm. Charleton Isac. Hill Nics. Hunter, Jams. Williamson, Thos. Roundtree Josph. Sanderson, Hen. Woodhouse, Wm. Leary John Allston Wm. Jones.

To the Honorable Fred. Jones Esqr. Ch. Justice and to the rest of the Justices for holding the Generall Court of the Province of North Carolina.

The Jurors for our Sovereign Lord the King Present that Joseph Bowring and Robert Tucker late of Currytuck in the said Province Yeomen, not having the Fear of God before his <48> <*Dominus Rex* v. *Bowring and Tucker.*> Eyes but being Stirr'd up and Seduced by the Instigation of the Devil on the 20th. of Janry. 1720 at Currytuck aforesaid by Force and Armes in and upon one John Fanshaw in the Peace of God and our Lord the King then and there being an Assault did make and the said John Fanshaw did Violently beat and bruise throwing him Severall times Down and Dashing his head and Breast against the Floor And so Voluntarily feloniously and of Malice Forethought the said John Fanshaw at Currytuck aforesaid beat and wounded particularly in his head breast and Stomach in Such Violent manner that of the said wound he the said Fanshaw did Pine and Languish untill the 23d. day of the Same month and on the said 23d. day of the said Month at Currytuck of the aforesaid Maiming and mortall wounding did Dye. And so the aforesaid Jurors on their oaths do Say that the aforesaid Jos. Bowring and Robert Tucker on the aforesaid 23d. day of Janry. at Currytuck aforesaid the said John Fanshaw in manner and form as aforesaid and of Malice forethought did willfully and Felloniously kill and Murther Contrary to the Peace our Lord the King his Crown and Dignity.

Which Bill of Indictment is return'd by the Grand Jury Ignoramus Notwithstanding the Court are of Opinion that the said Bowring and Tucker give Security for their good behaviour.

James Bell on the behalf of Josph. Bowring and Levi Markham on the behalf of Robert Tucker acknowledged themselves indebted to our Sovereign Lord the King that now is his Heirs and Successors in the Summ of Ten Pounds each and Jos. Bowring and Robert Tucker in the Summ of twenty Pound each to be Levyed upon their Severall goods and Chattells Lands and Tenements with Condition That if the said Josph. Bowring and Robert Tucker do well behave themselves towards his Majesty and all his Leige People for Six months coming then the before Recognizance to be Void otherwise to remain in full force and Vertue.

North Carolina Ss.

To the Honorable Fredk. Jones Esqr. Ch. Justice and to the rest of the Justices for holding the Generall Court of this Province.

<*Dominus Rex* v. *Eliz. Branch.*> The Jurors for our Sovereign Lord the King that now is Present that Elizabeth Branch late of Chowan in the County of Albemarle Spinster not having the fear of God before her Eyes but being moved and Seduced by the Instigation of the Devil on the 13 day of Augst. 1720 by force and Armes at Chowan aforesaid in and upon one Elizabeth Harris in the Peace of God and of our Lord the King then and there being the aforesaid Elizabeth Harris not having any weapon then Drawn nor then first Striking the aforesaid Elizabeth Branch did feloniously an Assault make and that the aforesaid Elizabeth Branch with a Certain Sharp weapon or Iron Instrument call'd a flesh fork of the Value of one shilling <49> which the said Elizabeth Branch in her hand then and there had the thigh of the aforesaid Elizabeth Harris then and there feloniously did Stabb and Thrust she not having any weapon then Drawn nor having first then Struck the aforesaid Elizabeth Branch. And the said Elizabeth Branch at Chowan aforesaid with the said sharp weapon call'd a Flesh fork one Mortall wound to the aforesaid Elizabeth Harris in and upon her thigh aforesaid did give of the Length of half an Inch and the Depth of two Inches whereof the said Elizabeth Harris did Languish and Pine untill the 20 day of 8ber following, on which 20th. day of October aforesaid at Chowan aforesaid, of the aforesaid Mortall wound the said Elizabeth Harris did Dye And so the Jurors aforesaid on their oaths do Say that the aforesaid Elizabeth the aforesaid Elizabeth Harris on the said 20th. of October at Chowan aforesaid in manner and form as aforesaid did feloniously Kill and Murther against the Peace of our Lord the King his Crown and Dignity and against the Statute in Such Case made and Provided.

Danll. Richardson Attorney Generall

<*Plea.*> Which Bill of Indictment being return'd by the Grand Jury Billa Vera the said Elizabeth Branch being call'd to Answer the Same Appear'd in Custody at the Barr and Pleaded Not Guilty And for Tryall thereof putt her Self upon the Country. It was then Commanded the Marshall that he should Cause to Come Twelve etc. by whom etc. who Neither etc. And there Came Henry Bonner, Wm. Cranford, Frans. Brown, Wm. Hancock, Jno. Bryan, Wm. Hardy, Edwd. Howcott, Jno. Pettiver, Jno. Champion, Edwd. Wingate Edwd. Outlaw Richard Willson <*Verdict*> who being Sworn Say Not Guilty.

And the Attorney Generall being here in Court and having nothing farther wherewith to Charge the said Branch, She is Discharg'd by Proclamation according to Law.

<*Recognizance* v. *Ash et al.*> John Baptista Ash being bound by Recognizance to Appear at this Court and by the Same was farther bound for the Appearance of Jno. Vidale they Appear'd, And nothing appearing against them Order'd that they be Discharged.

<*Dominus Rex* v. *Ed. Howcott.*> The Jurors for our Sovereign Lord the King Presents Edward Howcott for that he did out of a Malicious and Evil Intention on the 6th. day of this Inst. March beat and bruise in a very Grievous manner the body of Aaron Oliver as he was going about his Lawfull Occasions in this Precinct.

Thos. Betterley Foreman

<*Recognizance.*> The said Edward Howcott acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of twenty Pounds and Henry Bonner in the Summ of Ten Pounds to be Levyed upon their Lands and Tenements Goods and Chattells with Condition <50> That the said Edwd. Howcott personally appear here the 3d. day of the next Generall Court and Answer the said Presentment and not Depart the Court untill Discharg'd therefrom and that in the Meantime he be of his good behaviour then the above Recognizance to be Void else to remain in full force and Vertue.

<*Dominus Rex.* v. *Wm. Norris.*> The Jurors for our Sovereign Lord the King Presents Wm. Norris of Pasquotank Precinct for willfully and Designedly eraising and interlining a Deed between Jno. Billett Alice his wife and Samll. Willson to be Guilty of Forgery And if a Sworn Register (as he has Sign'd) to be Guilty of Perjury.

Thos. Betterley Foreman

Order'd that a Venire Issue against the said Norris for His Appearance here the 3d. day of the next Generall Court to Answer to the same Presentment.

<*Grand Jury Discharged.*> Danll. Richardson Esqr. Attorney Generall being ask'd by the Court if he had any thing farther to Offer to the Grand Jury Answer'd No. Order'd that they be Discharged.

<*Dominus Rex* v. *Jno. Hassell.*> Danll. Richardson Esqr. Attorney Generall Comes to Prosecute an Indictment found by the Grand Jury last Court against Jno. Hassell in these words (to witt) The Jurors for our Sovereign Lord the King Present that on the 13 day of March 1718 being Sunday, at Chowan Precinct in this Province one John Hassell of the said Precinct having not the fear of God before his Eyes but by the Instigation of the Devil and against the Peace of our Sovereign Lord the King Divers Prophane and Irreverent words and Speeches etc. (as by the said Indictment here upon Record doth Appear). <*Plea.*> To which Indictment he then Pleaded Not Guilty.

It is Commanded the Marshall that he Cause to Come twelve etc. by whom etc. who neither etc. And the Came Henry Bonner, Wm. Cranford Fras. Brown Wm. Hancock, Jno. Bryan Wm. Hardy, Samll. Spruil Jno. Champion Edwd. Wingate Edwd. Outlaw Ed. Willson Edwd. Howcott who being Sworn Say <*Verdict*> We of the Jury find the within mention'd John Hassell Guilty.

<*Arrest of Judgement.*> The Defendant by his Attorney mov'd an Arrest of Judgement Upon which it is Consider'd by the Court that he file his Reasons for the Same by tomorrow morning 8 a Clock and that they be Pleaded to in the

afternoon but That Same not being fil'd according to the Order of this Court, the Cause is Continued till the next.

<*Recognizance.*> And thereupon the said John Hassell acknowledged himself to be indebted to our Sovereign Lord the King in the Summ of twenty Pounds and Jno. Falconar in the Summ of Ten Pounds to be Levy'd upon their Lands and Tenements goods and Chattells with Condition that the said John Hassell Appear here the 3d. day of <51> the next Generall Court and Answer the said Indictment and not Depart the Court untill Discharged therefrom And that in the mean time he be of his good behaviour then the before Recognizance to be Void else to remain in full force.

<*Dominus Rex* v. *Jno. Hassell.*> Danll. Richardson Esqr. Attorney Generall Comes to Prosecute an Indictment found by the Grand Jury last Court against Jno. Hassell in these words (to witt) The Jurors for our Sovereign Lord the King Presents that Jno. Hassell of Chowan Precinct in this Province at Chowan aforesaid, against the Peace of our Sovereign Lord the King in a Lew'd and Dishonest manner Live Cohabitt and keep Company with one Sarah Wilkinson etc. as by the said Indictment here upon Record doth Appear. <*Plea.*> To which Indictment he then Pleaded not Guilty.

It is Commanded the Marshall that he Cause to Come twelve etc. by whome etc. who neither etc. And there Came Henry Bonner Wm. Cranford Fras. Brown Wm. Hancock John Bryan Wm. Hardy Samll. Spruil Jno. Champion Edward Wingate Edwd. Outlaw Richd. Willson Edwd. Howcott who being Sworn Say <*Verdict*> We of the Jury do find the within mention'd John Hassell Guilty.

<*Judgement.*> Upon which it is Consider'd and Adjudged by the Court that the said John Hassell be Amerced the Summ of Five Pounds (which is paid in Court) And be in Custody till he Enter into Recognizance to be of his good behaviour twelve Months and that he shall not unlawfully Cohabitt with Sarah Wilkinson.

<*Recognizance.*> Jno. Hassell Acknowledged himself to be Indebted to our Sovereigne Lord the King in the Summ of Fifty Pounds to be Levyed upon his Lands and Tenements Goods and Chattells with Condition that he well behave himself towards his Majesty and all his Leige people for twelve months from hence Coming and that in the meantime he shall not unlawfully Cohabitt with Sarah Wilkinson then the above Recognizance to be Void else to be and remain in full force.

<*Dominus Rex* v. *P. Palmer and Uxor.*> Paul Palmer and Joana. his wife being Call'd to Answer an Indictment found against them by the Grand Jury last Court Appear'd in Custody And refusing to plead. Order'd that they be still Continued in the Custody of the Marshall till they do Plead etc.

<*Dominus Rex* v. *P. Palmer.*> Paul Palmer being Call'd to Answer an Indictment found against him by the Grand Jury last Court Appear'd in Custody And refusing to Plead. Order'd that he be Still in Custody of the Marshall till he does Plead etc.

<*Dominus Rex* v. *Joana. Palmer.*> Joanna Palmer being Call'd to Answer an Indictment found against her by the Grand Jury, last Court Appear'd in Custody. And refusing to Plead Order'd that she be still in Custody of the Marshall till she does Plead etc.

<52> <*Dominus Rex* v. *Burkett Senior and Junior Dismisst.*> John Birkett Senior and Jno. Birkett Junior Appear'd according to their Recognizance to Answer a Presentment of the Grand Jury last Court, the Same not being Prosecuted is Dismiss'd.

<*Dominus Rex* v. *Jno. Birkett Junior Dismist.*> John Birkett Junior Appear'd according to his Recognizance to Answer a Presentment of the Grand Jury last Court, the Same not being Prosecuted is Dismisst.

<*Dominus Rex* v. *Ch. Hopton. Recognizance Continued.*> Charles Hopton and Grace his wife Appear'd according to his Recognizance last Court. Order'd that he be Continued upon the Same Recognizance to Appear here the 3d. day of the next Generall Court with which he is Content.

<*Dominus Rex* v. *Jas. Fleming Dismisst.*> Jams. Fleming being Call'd to Answer a Presentment of the Grand Jury in July Court last the said Fleming being Since Dead the Same is Dismisst.

<*Dominus Rex* v. *Wm. Alexander.*> William Alexander being Call'd to Answer an Indictment found against him by the Grand Jury Appear'd and Exhibited into Court a Petition and Order of Council in these words

Att a Council Held at the house of Wm. Badham, March 30 1721. Present The Honorable Charles Eden Esqr. Governor, Francis Foster, Richard Sanderson, Wm. Reed, John Lovick Esqrs. Deputys.

Read the Petition of Wm. Alexander Setting forth that he being a Person very Ignorant in any Legal proceedings thorough the overperswasion of Mrs. Damaris Sanderson Deceased he undertook to write the Will of Richd. Sanderson Esqr. husband to the said Damaris now Deceased also. And being Ignorant of the Consequence of Such matters did by her Order putt Severall things into the Will without any Orders from the said Richd. Sanderson not then Considering but that her Orders were Sufficient for his so doing. Butt upon the Will's being Disputed and being thoroughly Inform'd of the Injurys that might ensue by the Will's taking Place Contrary to the mind of the Testator did Voluntarily upon Oath before the Honorable the Governor and Collonel Thos. Pollock Declare every thing he knew of that Matter who Encouraged him thereto and were well Satisfyed with Such his Proceedings having entirely prevented any Damage that the said Will might make. Notwithstanding which in July Generall Court Your Petitioner was Presented by the Grand Jury for forgery and he is now under Prosecution for the Same the premises Considered and Since his Honor the Governor very well knows the truth of what the Petitioner Setts <53> forth and the Petitioner wou'd not have been Prosecuted had it not been by the Petitioners own Confession he humbly hopes your Honors will Consider the Same and Grant him a Noli prosequi for the Offence aforesaid so Ignorantly Committed and Your Honors humble Petitioner shall for Ever pray etc.

And this Board taking the Same into their Serious Consideration are of Opinion that what the said Alexander did in Relation to the Will aforesaid was intirely thro' Ignorance and that he is Deserving of Compasion and Mercy.

It is therefore Order'd that the Attorney Generall do Enter a Noli Prosequi in behalf of the Petitioner and that the Petitioner wait on the Chief Justice and Attorney Generall with this Order.

A Copy J. Lovick Secretary

Upon which the Attorney Generall mov'd that a Noli Prosequi might be Entred. But the Court take time till the next to Advise whether the Same may be Granted or not.

<*Dominus Rex* v. *Barnes and Price.*> Danll. Richardson Esqr. Attorney Generall Came to Prosecute an Indictment found by the Grand Jury against Robt. Barnes and John Price for Conveying a way Charles Wilks to Evade a Prosecution for living in open Adultery. <*Plea.*> To which Indictment they Pleaded Not Guilty.

It was then Commanded the Marshall that he Cause to Come twelve etc. by whom etc. Who neither etc. And there Came Henry Bonner Fras. Branch, Jno. Pettiver Wm. Coward, Samll. Woodward Edward Wingate Jno. Arthur Jno. Harlo Thos. Roper, Wm. Charleton Aaron Oliver Wm. Fryley <*Verdict*> who being Sworn Say Not Guilty.

And the Attorney Generall having nothing farther to Charge them with Order'd that the Same be Dismisst.

<*Recognizance* v. *Attkins et al.*> Robert Attkins and Danll. McDanil failing to Appear last Court according to their Recognizance a Scire facias was granted against the Same. No Execution thereof being return'd. Order'd that another Scire facias do Issue against the Same Recognizance.

<*Dominus Rex* v. *Stevins.*> Danll. Richardson Esqr. Attorney Generall Came to Prosecute an Indictment found by the Grand Jury last Court against Caleb Stevins. <*Plea.*> To which Indictment the said Stevins Pleads Not Guilty.

<54> It is Commanded the Marshall that he Cause to Come twelve etc. by whom etc. who Neither etc. And there Came Henry Bonner Frans. Branch, Jno. Pettiver Wm. Coward Samll. Woodward Edwd. Wingate Jno. Arthur Jno. Harlo Thos. Roper Wm. Charleton Aaron Oliver Wm. Fryley who being Sworn Say Not Guilty.

And the Attorney Generall not having farther wherewith to Charge the said Stevins, Order'd that the Same be Dismisst.

<*Dominus Rex* v. *Fras. Branch Dismisst.*> Francis Branch Appears according to his Recognizance to answer to an Indictment found against him by the Grand Jury for Retailing Liquor without Licence, and there appearing no Evidence against him, Order'd that the Same be Dismisst.

<*Dominus Rex* v. *Wm. Brasswell.*> Danll. Richardson Esqr. Attorney Generall Came to Prosecute an Indictment found by the Grand Jury last Court against Wm. Brasswell for abusing a Constable in the Execution of his Office. <*Plea.*> To which he Pleaded Guilty.

<*Judgement.*> It is Consider'd and Adjudged by the Court that the said Brasswell be Amerced the Summ of three Pounds and Enter into Recognizance for his good behaviour Six months.

<*Recognizance for behaviour.*> Whereupon the said Wm. Brasswell acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of Ten Pounds to be Levyed upon his Lands and Tenements goods and Chattells with Condition that he well behave himself towards his Majesty and all his Leige People for Six months from hence Coming then the above Recognizance to be Void else to remain in full force.

<*Dominus Rex* v. *T. Stoneham.*> Danll. Richardson Esqr. Came to Prosecute an Indictment found by the Grand Jury last Court against Thomas Stoneham for Abusing a Constable in the Execution of his Office. <*Plea.*> To which he Pleaded Guilty.

<*Judgement.*> It is Consider'd by the Court that the Said Stoneyham be Amerced the Summ of twenty shillings and Enter into Recognizance for his good behaviour for three Months.

<*Recognizance for behaviour.*> Whereupon the said Thos. Stoneham acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of Ten Pounds to be Levyed upon his Lands and Tenements goods and Chattells with Condition that he well behave himself towards his Majesty and all his Leige People for three months from hence Coming then the above Recognizance to be Void else to remain in full force.

<55> <*Dominus Rex* v. *Jas. McDaniel.*> James McDaniel being Comitted to the Marshall's Custody on Suspicion of Feloney and having broke out of Goal and made his Escape out of the Government the Marshall Inform'd the Court that he had pursued him by Hue and Cry to the Uttmost Limitts of the Government and that he could not be taken within the Same. Order'd that the Cause be Dismisst.

<*Dominus Rex* v. *Alice Billett.*> Alice Billett being bound by Recognizance to Appear at this Court to Answer for a Forceable Entry made by her on the Plantation of Mary West of Pasquotank Precinct Widow, Appear'd. It is Order'd that the Inquisition taken and Sent to this Court by Jno. Palin Esqr. be Transmitted to him again for the Asscessing of her Fine.

<*Dominus Rex* v. *Jer. Vail.*> Danll. Richardson Esqr. Attorney Generall Came to Prosecute an Indictment found by the Grand Jury last Court against Jeremiah Vail for abusing John Blount Esqr. a Member of this Court. <*Plea.*> To which Indictment he Pleaded Not Guilty.

It was then Commanded the Marshall that he Cause to Come twelve etc. by whom etc. who Neither etc. And there came Henry Bonner Fras. Branch Jno. Pettiver Wm. Coward, Samll. Woodward, Edwd. Wingate Jno. Arthur Jno. Harlo Thos. Roper, Wm. Charleton Aaron Oliver Wm. Fryley who were Impannell'd and Sworn And the Foreman having Deliver'd to Thos. Miller one of the Justices of this Court a blank Paper and Not Superscrib'd which said paper being Deliver'd by the Foreman only whilst the Court was Adjourn'd for a time; the Court are of Opinion that the Same shall not be receiv'd as a Verdict.

Upon Motion of the Attorney Generall Order'd that the said Jer. Vail do Enter into Recognizance for Appearance etc. here the 3d. day of the next Generall Court to Answer to the said Indictment.

Whereupon the said Jer. Vail acknowledged himself to be Indebted to our Sovereign Lord the King in the Summ of twenty Pounds to be Levyed upon his Lands and Tenements goods and Chattells with Condition that he Appear the 3d. day of the next Generall Court and Answer to the said Indictment And not Depart the Court untill Discharged therefrom, And that in the Meantime he be of his good behaviour then the above Recognizance to be Void else to be and remain in full force.

<56> <*Dominus Rex* v. *Chas. Wilks.*> Chas. Wilks being Call'd to Answer to an Indictment found against him by the Grand Jury fail'd to Appear last Court

and now also failing to Appear Order'd that farther Process do Issue against him for his Appearance here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Mary Brinn.*> Mary Brinn being Call'd to Answer to an Indictment found against her by the Grand Jury for keeping Company with Charles Wilks etc. fail'd to Appear last Court And now also failing to Appear. Order'd that farther Process do Issue against her for Appearance here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Abrm. Spivey.*> Abraham Spivey being Call'd to Answer to an Indictment found against him by the Grand Jury for Hoggstealing Appear'd and Pleaded Not Guilty. The Tryall thereof is referr'd till the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Thos. Spivey.*> Thomas Spivey being Call'd Appear'd according to his Recognizance to Answer an Indictment found against him by the Grand Jury To which he Pleaded Not Guilty. The Tryall thereof is referr'd till the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Benjn Spivey.*> Benjn. Spivey being Call'd Appear'd according to his Recognizance to Answer to an Indictment found against him by the Grand Jury for Hogstealing. To which he Pleaded Not Guilty, the tryall thereof is referr'd till the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Jacb. Spivey.*> Jacob Spivey being Call'd Appear'd according to his Recognizance to Answer to an Indictment found against him by the Grand Jury for Hoggstealing. To which he Pleaded Not Guilty the Tryall thereof is referr'd till the 3d. day of the next Generall Court.

Adjourn'd to the next Court in Course.

Fred. Jones Ch. Justice

[*July 1721*]

[*CCR 105*]

<229> North Carolina Ss.

Att a Generall Court Continued and held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 25th. July 1721 and Continued to the 29th of the Same. Present the Honorable Fredk. Jones Esqr. Ch. Justice Jno. Blount and Robt. West Esqrs. Justices.

<*Little River Petition.*> Read the Petition of the Inhabitants of the upper part of Little River in Pequimans Precinct shewing that Some of the Inhabitants of the said Precinct had at the Precinct Court of Pequimans obtain'd an Order for repairing and keeping a Bridge over the said River much inconvenient to a former Bridge made higher up the River.

<*Order.*> Order'd that the Order of the said Precinct Court be Suspended till the partys on both Sides shall be heard, And that Wm. Jackson Overseer in that District be Serv'd with a Copy of this Order.

Upon the Petition of Samll. Spruill and others on behalf of themselves and others Inhabitants on the West Side of Cuscoponung River and other Districts praying to be releiv'd touching an Order of the Precinct Court of Chowan held in

October Last past and one other Order pass'd in the said Court last Aprill whereby they Conceive themselves very much Injured by being order'd to [work] on a Certain Road on the South Shore not properley [belonging] to them or within their District.

Order'd that Captain John Worley and Jacb. Blount at [*torn*] the said Order of the Precinct Court was obtain'd [*torn*] Attend this Court in 8ber next to Answer [*torn*] of the said Precinct Court ought not to be Sett [*torn*] Petition Granted And that in the mean time [*torn*] do forbear putting the said Orders in Execution [*torn*] further Order'd upon the Motion of the [*torn*] Side [of] Cuscoponung River That Major [*torn*] Anthon. Alexander or any [*torn*] Septr. next View the [*torn*] Road [*torn*] neck Bridge on the South Shore to [*torn*] do make report to the next Generall Court <230> in October next of their opinion touching the most Convenient and proper Place for a Division of the two Districts (having respect to the Tythables) And that Captain Jno. Worley and Jacob Blount be also Serv'd with a Copy of this Order.

<*Order about Appeals etc.*> Order'd that for the future in all Cases of Appeals and Arrests of Judgement Errors shall be fild in the Office Fifteen days before the Court and the Defendant Serv'd with a Copy thereof.

<*Examination of T. Harding Evidence.*> The Question was putt to the Court if the Examination of Thos. Harding Evidence in the Suit Depending between Pet. Fomvill Administrator of Rt. Fomvill Plaintiff and Josph. Fullford Defendant should be taken as Evidence, the said Defendants Attorney being Present, and the said Harding going out of the Country, The Court are of Opinion his Examination shall be taken as Evidence And Accordingly the said Thos. Harding being Examin'd, Saith That in Novr. last was twelve months being in Company with on Wm. Meads and being formerly acquainted with him ask'd him how he Came there and from whence he answer'd from South Carolina, on which passage Peter Fomvill who was in his Company Dyed And that he the said Meads buryed him and he had in his Custody (belonging to the said Peter) Some Goods and an Indian Boy, which Indian boy he brought to Core Sound in North Carolina and Sold to One Wm. Stone, the said Deponent ask'd why he sold him, he Answer'd that because he bury'd him, thought himself had the most Right to what the said Fomvill had Left. The said Deponent further saith that the said Meads told him the said Petr. Fomvill was going to North Carolina to See his brother Jno. Fomvill and farther Saith not.

Mr. Henman being Ask if he had any thing to Interrogate the said Deponent, Answer'd No.

<*Laughinghouse* v. *Palmer and Uxor.*> In the Suit brought by Andrew Laughinghouse against Paul Palmer and Joanna his wife for Ten Pounds Sterling Damage the Defendant failing to Appear And Plead last Court Judgement was Granted by Nil Dicet And now also the Defendant Appearing and refusing to Plead on the Plaintiffs Motion an Other Judgement is Granted by Nihil Dicet.

<*Blulett* v. *Rodewall.*> In the Action of the Case brought by Abrm. Blulett against Samuel Rodewall for thirty Six Pounds Damage the Plaintiff and Defendant by their Attorneys having joyn'd Issue It was Commanded the Marshall that he Cause to Come twelve etc. by whome etc. who neither etc. And there Came

Thos. Paris, Rd. Skinner, Thos. Hoskins Wm. Sadler, Matt. Gums Wm. Coward, Jno. Harlow Jno. Johnson Orlando Champion Jno. Charleton Wm. Jones Davd. Attkins who being Sworn Say Wee of the Jury find for the Plaintiff Eighteen Pounds Sterling. It is therefore Consider'd by the Court that the said Abraham Blulett [*torn*] and have against the said Samll. Rodewall the like summ of Eighteen [*torn*] Sterling by the Jury aforesaid in form aforesaid Asscess'd with Costs [*torn*] alias Execution.

[*Torn*] Action brought by Thos. Betterley against Jno. Howcott [*torn*] twenty pounds Sterling Damage the Defendant failing to Appear [*torn*] motion Judgement is Granted by Default and [*torn*] Damage awarded returnable [*torn*].

<*Jordan* v. *Stewart.*> [*Torn*] Suit brought by Thos. Jordan [*torn*] Prosecuted is Dismist.

<231> <*Maule* v. *Moore.*> The Suit brought by Patrick Maule against Maurice Moore for twenty Pounds Sterling Damage not being Prosecuted is Dismist.

<*Pollock* v. *Salisbury.*> In the Suit brought by Thos. Pollock Esqr. against Andrew Salisbury for twenty pounds Sterling due by Obligation Upon a Returne of an Attachment Nulla bona Last, the Plaintiff prov'd his Debt And an Execution was Order'd against the said Defendants Estate which being also return'd Nulla bona It is Order'd that the Lands of the said Defendant be Apprais'd by Lewis Bryan, Edwd. Bryan, Jams. Boon Jno. Early Geo. Winn and Francis McLendon, And that they make returne thereof to the next Court.

<*Tanner* v. *Matthew.*> In the Suit brought by Wm. Tanner against Thos. Matthews for two hundred pounds Sterling the Plaintiff not Appearing upon the Motion of the Defendant a Non Suit is Granted.

<*Jones* v. *Pettiver and Uxor.*> In the Action of Account Render brought by Fredk. Jones Esqr. against Jno. Pettiver and Ann his wife, Thos. Harvey Mr. Thos. Paris or any one of them are appointed to Auditt the Same Account the first Wednesday in Septr. next at the General Court house at Chowan by Consent of Plaintiff and Defendant, but if it should so happen that they shall not agree Concerning the Same Account, that they do Choose a third person or Umpire to Auditt the Same and that they make report thereof to the next Generall Court in 8ber next.

<*Pagett* v. *Bray.*> In the Action of Trespass for twenty Pounds Sterling Damage brought by Edwd. Pagett against Thos. Bray the Defendant <*Plea*> by Thos. Henman his Attorney Appear'd and Pleaded (Not Guilty). It was then Commanded the Marshall that he Cause to Come twelve etc. by whom etc. who neither etc. And there Came Thos. Paris, Rd. Skinner Thos. Hoskins Wm. Sadler Matt. Gums, Wm. Coward Jno. Harlow Jno. Johnson Orlando Champion Jno. Charleton Wm. Jonas Davd. Attkins <*Verdict*> who being Sworn Say We of the Jury find for the Plaintiff Twenty Pounds Sterling Damage.

<*Judgement.*> It is therefore Consider'd by the Court that the said Plaintiff Recover and have against the Defendant the like Summ of twenty Pounds Sterling in form aforesaid by the Jury aforesaid Asscess'd with Costs alias Execution.

<*Evidence.*> Order'd that David Attkins and David Ambross be allowe'd and paid the Summ of twenty eight shillings and four pence each Wm. Jones and Wm.

Wattson two shillings and Six pence each for their Attendance etc. as Evidence in the said Cause.

<*Durant* v. *Batchelor.*> The Suit brought by Thos. Durant against Richd. Batchelor for [*torn*] pounds Sterling not being Prosecuted is Dismist.

<*Bray* v. *Ming.*> In the Suit brought by Thos. Bray against Jams. Ming for [*torn*] not being Prosecuted on the Defendants motion a Non [*torn*].

<*Bray* [*torn*].> In the Suit brought by Thos. Bray against Jams. Farlow [*torn*] being prov'd the Defendant pray'd a Non Suit [*torn*].

[*Torn*] of Debt brought by Caleb Bundy against [*torn*] the Plaintiff being Since Dead [*torn*].

[*Torn*] by Roger Kenyon against [*torn*] Handry [*torn*] Prosecuted is Dismist.

<232> <*Jones* v. *Shackleford.*> In the Appeal brought by Wm. Jones against Jos. Shackleford from the Precinct Court of Beauford and Hyde It appears to this Court that in the Judgement of the said Precinct Court it is Err'd.

Wherefore It is Order'd that the said Judgement pass'd in the said Precinct Court of Beauford and Hyde be Revers'd and Annulled and the said Wm. Jones be Restor'd to all that by means of the said Judgement he Lost And that the said Joseph Shackleford pay Costs.

<*Moseley* v. *Johnson.*> The Suit brought by Edwd. Moseley against Fras. Johnson for £10 13*s.* 8*d.* due by Account the Defendant failing to Appear the Plaintiff Prov'd his Account and pray'd Judgement which was Granted.

<*Moseley* v. *Evans.*> The Suit brought by Edwd. Moseley against Jno. Evans for £7 2*s.* 11*d.* due by Account the Defendant fail'd to Appear, the Plaintiff prov'd his Account and pray'd Judgement which was Granted.

<*Moseley* v. *Jordine.*> The Suit brought by Edwd. Moseley against Solomn. Jordine the Defendant appear'd and Confess'd Judgement for the Summ of Ten Pounds.

<*Chapman* v. *Williams.*> In the Suit brought by Mary Chapman against Samll. Williams for fifty two shillings and three pence Current money of Virgna. and Ninety five Pounds of Pork not being Prosecuted is Dismist.

<*Brown* v. *Williams.*> The Suit brought by Wm. Brown against Samll. Williams for £4 15*s.* 2*d.* not being Prosecuted is Dismist.

<*Chapman* v. *Peacock.*> The Suit brought by Mary Chapman against Samll. Peacock for £5 1*s.* 10*d.* ½ not being Prosecuted is Dismist.

<*Richardson* v. *Cressey.*> The Suit brought by Danll. Richardson against Levy Cressy for two Pound Fourteen and Six pence not being Prosecuted is Dismist.

<*Richardson* v. *Simpson.*> The Suit brought by Danll. Richardson against Wm. Simpson for two Pound Ten shillings and nine pence Sterling not being Prosecuted is Dismist.

<*Ellison* v. *Cressey.*> The Suit brought by John Ellison against Levy Cressy for two Pounds two shillings and Six pence not being Prosecuted is Dismist.

<*Crisp* v. *Neel.*> The Suit brought by Nics. Crisp against Jno. Neel for two Barrell of Oyle not being Prosecuted is Dismist.

<*Bell* v. *Matthews.*> Jno. Brinkley and Elizabeth his wife and Sarah Catchmead by Geo. Lumley their Attorney Came to Prosecute their writt of Ejectment against Elizabeth Jones. And the said Elizabeth Jones failing to Appear, Thos.

Matthews Appear'd and Suffer'd judgement to pass against him by Default.

It is therefore Consider'd by the Court that the said Plaintiffs Recover [*torn*] the said Defendant his Term aforesaid with the Appurtenances Yet to Come [*torn*] Costs.

Adjourn'd till the Court in Course.

Fred. [Jones] [*torn*]

[*July 1721*]

[*CCR 103*]

<57> North Carolina Ss.

Att a Generall Court of Oyer and Terminer Continu'd and held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 27th. July 1721. Present the Honorable Fredk. Jones, Esqr. Cheif Justice, John Blount and Robt. West Esqrs. Justices.

The Grand Jury are Impannell'd and Sworn. Videlicet Josph. Jessop Foreman, Josph. Wicker, Henry Bonner, Jams. Williamson, Jno. Pettiver Wm. Jones, Samll. Spruill, Wm. Stewart, Samll. Pagett, Jos. Spruill, Jams. Ming, Jno. Swain, John Evans, Thos. Blitchenden, Collonel Maur. Moore Aaron Oliver Thos. Harding, Thos. Roundtree Nics. Hunter, Wm. Lattimer, Patrk. Maule.

The Grand Jury Exhibit the following Bill of Indictment to the Court.

To the Honorable Fredk. Jones Esqr. Cheif Justice and to the rest of the Justices for holding the Generall Court for this Province.

<*Dominus Rex* v. *Buttler. Indictment.*> The Jurors for our Sovereigne Lord the King Present that Christopher Buttler of Chowan Precinct in the County of Albemarle in the Province of North Carolina Marriner not having the Fear of God before his Eyes but being moved and Seduced by the Instigation of the Devil on or about the Seventeenth day of March in the Year of our Lord 1720/1 at Chowan aforesaid by force and Armes etc. in and upon Mary Haughton the wife of Wm. Haughton of Chowan aforesaid in the Peace of God and our Lord the King then and there being an Assault did make and the aforesaid Xphr. Buttler the aforesaid Mary Haughton by force and Armes and Contrary to the Will of the said Mary Haughton did then and there Violently and Felloniously Ravish And the said Mary Haughton then and there Violently and felloniously against her will did Carnally know, Contrary to the Peace of our Sovereigne Lord the King his Crown and Dignity and Statutes in that Case made and Provided etc.

Danll. Richardson pro Domino Rege.

Which Bill is return'd Ignoramas.

Jos. Jessop Foreman

<*Recognizance.*> And the said Christophr. Buttler being Call'd Appear'd and acknowledged himself to be Indebted to our Sovereigne Lord the King in the Summ of Fifty Pounds <58> and Jams. Ward and Timo. TrueLove in the Sum of Twenty five Pounds each to be Levyed upon their Severall Lands and Tenements Goods and Chattells with Condition that the said Xphr. Buttler do well behave himself to all his Majestys Leige people more especially to the said

Wm. and Mary Haughton Six months from hence Coming then this Recognizance to be Void else to be and remain in full force.

<*Dominus Rex* v. *P. Palmer.*> Danll. Richardson Esqr. Attorney Generall Came to Prosecute an Indictment found by the Grand Jury against Paul Palmer for a Misdemeanour. <*Plea.*> To which Indictment the said Paul Pleaded Not Guilty. It is Comanded the Marshall that he Cause to Come twelve etc. by whome etc. who neither etc. And there Came Thos. Spires, Rd. Skinner Thos. Hoskins, Wm. Sadler Edwd. Howcott, Matt. Gumms, Wm. Wattson, Jno. Harlow Geo. Turnedge Wm. Bonner Wm. Jones John Johnson who being Sworn Say.

<*Verdict.*> We of the Jury do find the Defendant Guilty of a Misdemeaner Upon which Verdict the Defendant moves in Arrest of Judgement which is Granted and Order'd that he file his Errors Fifteen days before the next.

<*Grand Jury Presentments.*> The Grand Jury Presents Mr. Thos. Harvey, Mr. Wm. Little Mr. Wm. Charleton Junior Mr. Roger Hazard, Christian Heidleborg, Isc. Hill, Wm. Fallaugh by the Information of John Evans one of the Jurors for Swearing one Oath a Piece.

Grace Morgan for having two husbands and Living in Adultery.

Chas. Hopton for Fornication.

Mary Haughton for Adultery—remitted per Curiam.

<*Fine paid with Fees.*> Christopher Buttler for Fornication.

The Grand Jury being Ask'd if they had any farther presentments to Offer to the Court Answer'd No.

<*Grand Jury Discharg'd.*> Order'd that they be Discharg'd.

Jno. Holmes being bound by an Order of the Precinct Court of Chowan to Appear etc. at this Court. Appear'd and nothing being found against him by the Grand Jury Order'd that he be Discharg'd.

Jose. Spivey being bound by an Order of the Precinct Court of Chowan to Appear etc. at this Court. Appear'd and nothing being found against him by the Grand Jury. Order'd that he be Discharged.

<59> <*Recognizance* v. *Sol. Jorain.*> Soloman Jordain being bound by Recognizance to Appear at this Court. Appear'd and Nothing being found against him by the Grand Jury Order'd that he be Discharg'd.

<*Dominus Rex* v. *Chas. Wilks Indictment.*> Chas. Wilks being Call'd to Answer to an Indictment found against him by the Grand Jury fail'd to Appear last Court And now also failing to Appear, Order'd that Execution do Issue against him for his Appearance here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Mary Brin Indictment.*> Mary Brinn being Call'd to Answer to an Indictment found against her by the Grand Jury fail'd to Appear last Court And Now also failing to Appear Order'd that Execution do Issue against her for her Appearance here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Spiveys Indictment.*> Thoms. Spivey, Abrm. Spivey, Benjn. Spivey, and Jacob Spivey being bound by Recognizance to Appear at this Court to Answer an Indictment found against them by the Grand Jury for hoggstealing, Appear'd, And the Attorney Generall having absconded from Court and refusing to Prosecute on the behalf of our Sovereign Lord the King Order'd that they be

Continued upon the Same Recognizance to Appear here the 3d. day of the next Generall Court and Answer the said Indictment.

<*Dominus Rex* v. *Jno. Hassell.*> John Hassell being bound by Recognizance to Appear at this Court having mov'd in Arrest of Judgement on a Verdict of the Jury found against him last Court and fil'd his Reasons, Appear'd And the Attorney Generall having Absented from the Court and refusing to Prosecute on the behalf of our Sovereigne Lord the King Order'd that he be Continued upon the Same Recognizance to Appear here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Wm. Alexander Indictment.*> Wm. Alexander being Call'd to Answer an Indictment found against him by the Grand Jury Appear'd And the Attorney Generall refusing to Prosecute on behalf of our Sovereigne Lord the King, <*Recognizance*> Upon the Court's Order the said Wm. Alexander Acknowledged himself to be Indebted to our said Sovereign Lord the King in the Summ of Two hundred Pounds to be Levyed upon his Lands and Tenements Goods and Chattells with Condition that the said Wm. Alexander personally appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom and that in the meantime he be of his good behaviour then the above Recognizance to be Void else to remain in full force.

<60> <*Dominus Rex* v. *McDaniel and Attkins.*> Danll. McDaniel and Robt. Attkins being Call'd to answer to their Recognizance but they having Absconded and withdrawn themselves and Effects out of this Government Order'd that the Same be Dismist.

<*Dominus Rex* v. *Palmer and Uxor Indictment.*> Paul Palmer and Joanna his wife being Call'd to Answer to an Indictment found against them by the Grand Jury Appear'd by their Attorney and pleaded Not Guilty but the Attorney Generall having Absconded the Court and refusing to Prosecute on the behalf of our Sovereign Lord the King Order'd that the Tryall thereof be referr'd till the next Court And that the said Paul Palmer Enter into Recognizance for his Appearance here the 3d. day of the next Generall Court.

<*Recognizance.*> Whereupon the said Paul Palmer acknowledged himself to be indebted to our Sovereign Lord the King in the Summ of One hundred Pound and Joseph Jessop and John Pettiver in the Summ of Fifty Pounds each to be Levyed upon their Severall Lands and Tenements goods and Chattells with Condition that the said Paul Palmer and Joanna his wife Appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom then this Recognizance to be Void Else to be and Remain in full force.

<*Dominus Rex* v. *Joanna Palmer Indictment.*> Joanna Palmer being Call'd to Answer to an Indictment found against her by the Grand Jury Appear'd by her Attorney and Pleaded Not Guilty but the Attorney Generall having Absented from Court and refusing to Prosecute on behalf of our Sovereign Lord the King Order'd that the Tryall thereof be referr'd till the next Court And she Enter into Recognizance for her Appearance here the 3d. day of the next Generall Court.

<*Recognizance.*> Whereupon Joseph Jessop and Jno. Pettiver acknowledged themselves to be Indebted to our Sovereign Lord the King in the Summ of One hundred Pounds each to be Levy'd upon their Severall Lands and Tenements Goods and Chattells with Condition that the said Joanna Palmer Appear here the

3d. day of the next Generall Court And not Depart the Court untill Discharged therefrom then the above Recognizance to be Void else to be and Remain in full force.

<*Recognizance* v. *Chas. Hopton.*> Charles Hopton being bound by Recognizance to Appear at this Court and nothing being Alleadged against him Order'd that he be Discharged.

<*Dominus Rex* v. *Ed. Howcott Indictment.*> Edward Howcott being bound by Recognizance to Appear at this Court to Answer to an Indictment found against him by the Grand Jury Appear'd but the Attorney Generall having Absented himself <61> from Court and refusing to Prosecute on the behalf of our Sovereigne Lord the King Order'd that he be Continued upon the Same Recognizance for his Appearance here the 3d. day of the next Generall Court with which the said Howcott is Content.

<*Dominus Rex* v. *Wm. Norris. Indictment.*> North Carolina Ss.

To the Honorable Fredk. Jones Esqr. Ch. Justice and to the rest of the Justices for holding the Generall Court of this Province.

The Jurors for our Sovereign Lord the King on their oaths Presents Wm. Norris of Pasquotank Precinct within this Province that on the 24th. day of July Anno Domini 1717 having not the fear of God before his Eyes, by the Instigation of the Devil and evil Dispos'd Inclinations he the said Wm. Norris at Pasquotank aforesaid did Forge a Deed from Alice and John Billett to Samll. Willson with an Intent and Designe to alter the Freehold of the Land therein Granted might be Defeated Contrary to the Peace of our Sovereigne Lord the King that now is his Royall Crown and Dignity and against a Statute in that Case made and Provided etc.

Danll. Richardson pro Domino Rege.

Which Indictment being Read And the said Wm. Norris Call'd Appear'd but the Attorney Generall having Absented from the Court and refusing to Prosecute on behalf of our Sovereigne Lord the King Order'd that the said Wm. Norris do Enter into Recognizance for his Appearance here the 3d. day of the next Court to Answer the said Indictment.

<*Recognizance.*> Whereupon the said Wm. Norris acknowledged himself to be indebted to our Sovereign Lord the King in the Summ off three hundred Pounds and Thos. Commander in the Summ of Two hundred Pounds to be Levyed upon their Lands and Tenements Goods and Chattells with Condition that the said Wm. Norris do personally appear here the 3d. day of the next Generall Court and not Depart the Court untill Discharged therefrom And that in the meantime he be of his Good behaviour then this Recognizance to be Void Else to be and Remain in full Force.

<62> <*Recognizance* v. *G. Griffin.*> George Griffin being bound by Recognizance to Appear at this Court to Answer for a Contempt in not Obeying a Precept from a Majestrate. Appear'd and Acknowledged himself to be indebted to our Sovereign Lord the King in the Summ of twenty Pound and Geo. Turnedge in the Summ of Ten Pounds to be Levyed upon their Severall Lands and Tenements Goods and Chattells with Condition that the said Geo. Griffin do personally Appear here the 3d. day of the next Generall Court and Answer for the said

Contempt and not Depart the Court untill Discharged therefrom And that in the mean time he be of his good behaviour then this Recognizance to be Void else to be and remain in full force.

Adjourn'd to the next Court in Course.

Fred. Jones Ch. Justice

[*October 1721*]

[*CCR 105*]

<239> North Carolina Ss.

Att a Generall Court held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 31 Octobr. 1721 And Continued to the 2d. Novr. following. Present Jno. Blount Jno. Worley And Robt. West Esqrs.

The last Will and Testament of Mary Norcomb is Prov'd by the oath of Cornelius Leary.

The Last Will and Testament of Jno. Hopkins is prov'd by the Oaths of Andw. Oliver and Chars. Cradox.

In the Suit brought by Abram. Laurence against Thos. Taylor for One hundred and Sixty Pounds Damage not being Prosecuted is Dismist.

[*Torn*] Suit brought by Abram. Laurence against Thos. Taylor for twelve [*torn*] Damage not being Prosecuted is Dismist.

[*Torn*] Suit brought by Jno. Gray against Philip Brown for twelve Pound [*torn*] shillings and Seven pence Sterling due by Bill [*torn*] is Dismist.

[*Torn*] Suit brought by Jno. Gray against Philip Brown [*torn*] Six Pound Sterling not being Prosecuted is [*torn*].

[*Torn*] Suit brought by Thos. Pierce against Wm. Webster [*torn*] shillings and Six pence Sterling due by bill not [*torn*] Dismist.

<240> <*Sanderson* v. *Centor Dismist.*> In the Suit brought by Bazil Sanderson against Thos. Centor not being Prosecuted is Dismist.

<*Little* v. *Harvey.*> In the Suit brought by Wm. Little against Rd. Harvey Executor of John Kent for four Pound one shilling and the Defendant appear'd by Thos. Boyd his Attorney And pleads that he Acts in Auter Droit and finds no Account in the Testator's books of what is Declar'd for by the Plaintiff And the Plaintiff making his Debt Appear to be Due prov'd the Same in Court. It is Consider'd by the Court that the said Plaintiff Recover and have against the said Richard Harvey Executor etc. the like Summ of Four Pounds and one Shilling with Costs alias Execution.

<*Betterley* v. *Willson and Coward Judgement.*> Wm. Little attorney of Rd. Willson and Wm. Coward Came into Court and Confess'd Judgement to Thos. Betterley for the Summ of Sixty Pounds Current money. It is therefore Consider'd by the Court that the said Thos. Betterley recover and have against the said Richard Willson and Wm. Coward or either of them the Like Summ of Sixty Pounds alias Execution.

Adjourn'd to the Court in Course.

[*October 1721*]

[*CCR 103*]

<62> North Carolina Ss.

Att a Generall Court of Oyer and Terminer held for the said Province at the Generall Court house at Queen Ann's Creek in Chowan Precinct the 31. 8ber 1721 and Continued to the 2d. Novr. Following. Present Jno. Blount Robt. West and Jno. Worley Esqrs.

Jabez Allen and Wm. Halsey being Call'd to Answer the Complaint of Jno. Arthur for Stealing a Ram from him the said Arthur. And the said Jabez Allen and Wm. Hallsey being Examin'd and the Evidences heard It is Consider'd by the Court that the Said Jabez Allen do Imediately receive at the Whipping Post thirty One Lashes on his bare back And twenty One more tomorrow morning well laid on.

And forasmuch as the said Halsey is Accessary in the said Theft It is Consider'd by the Court that the said Hallsey do pay unto the said Jno. Arthur three Pound in Satisfaction for the said Ram or Receive thirty One Lashes at the whipping Post on his bare back. And that he give Security for his good behaviour for twelve months.

Wm. Hallsey acknowledged himself Indebted to our Sovereign Lord the King in the Summ of twenty Pounds and James Farlow in the Summ of Ten Pounds to be levy'd upon their Lands and Tenements Goods and Chattells with Condition that the said Wm. Hallsey do well behave himself to all his Majesties Leige People twelve months from hence Coming and more Especially <63> towards the said Jno. Arthur then this Recognizance to be void Else to remain in full force and Vertue.

<*Dominus Rex* v. *Cha. Wilks.*> Chas. Wilks being Call'd to Answer to an Indictment found against him by the Grand Jury fail'd to Appear last Court and now also failing to Appear Order'd that farther Process do Issue against him for his Appearance here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Mary Brinn.*> Mary Brinn being Call'd to Answer to an Indictment found against her by the Grand Jury fail'd to Appear last Court and now also failing to Appear Order'd that farther process do Issue against her for her Appearance here the 3d. day of the next Generall Court.

<*Dominus Rex* v. *Abrm. Spivey.*> Abraham Spivey being bound by Recognizance to Appear at this Court to Answer an Indictment found against him by the Grand Jury for mismarking hoggs, Appeard. Order'd that he be Continued upon the Same Recognizance for his Appearance here the 3d. day of the next Generall Court with which the said Abraham is Content.

<*Dominus Rex* v. *Spiveys.*> Thos. Spivey Abrm. Spivey Benjn. Spivey and Jacb. Spivey being bound by Recognizance to Appear here at this Court to answer an Indictment found against them by the Grand Jury for Hoggstealing, Appear'd Order'd that they be continued upon the Same Recognizance for their Appearance here the 3d. day of the next Generall Court with which they are Content.

<*Dominus Rex* v. *Jno. Hassell.*> Jno. Hassell being bound by Recognizance to Appear at the Court to answer an Indictment found against him by the Grand Jury for prophane words Appear'd, Order'd that he be Continued upon the Same Recognizance for his Appearance here the 3d. day of the next Generall Court, with which he is Content.

<*Dominus Rex* v. *Wm. Alexander.*> Wm. Alexander being Call'd to Answer an Indictment found against him by the Grand Jury for Forgery fail'd to Appear. Order'd that he Appear here the 3d. day of the next Generall Court and Answer the said Indictment.

<*Dominus Rex* v. *Palmer and Uxor.*> Paul Palmer and Joanna his wife being bound by Recognizance to appear at the this Court to Answer to an Indictment found against them by the Grand Jury, Appear'd. Order'd that they be Continued upon the Same Recognizance for their Appearance here the 3d. day of the next Generall Court with which they are Content.

<*Dominus Rex* v. *P. Palmer.*> Paul Palmer being bound by Recognizance to Appear at this Court to answer to an Indictment found against him by the Grand Jury for a Misdemeanour. Appear'd Order'd that he be Continued upon the Same Recognizance for his Appearance here the 3d. day of the next Generall Court with which he is Content.

<64> <*Dominus Rex* v. *Joanna Palmer.*> Joanna Palmer being bound by Recognizance to Appear at this Court to Answer to an Indictment found against her by the Grand Jury for a Rescous, Appear'd, Order'd that She be Continued upon the Same Recognizance for her Appearance here the 3d. day of the Next Generall Court with which she is Content.

<*Dominus Rex* v. *Wm. Norris.*> Wm. Norris being bound by Recognizance to Appear at this Court to Answer to an Indictment found against him by the Grand Jury for forgery Appear'd. Order'd that he be Continued upon the Same Recognizance for his Appearance here the 3d. day of the next Generall Court with which he is Content.

<*Dominus Rex* v. *Geo. Griffin.*> George Griffin being bound by Recognizance for his Appearance here at this Court to Answer for the Contempt Appear'd Order'd that he be Continued upon the Same Recognizance for his Appearance here the 3d. day of the next Generall Court with which he is Content.

<*J. Spruill Overseer.*> Order'd that Josph. Spruill be Overseer of the high way in the Room of Thos. Winn of the Same District.

Adjourn'd to the next Court in Course.

[*March 1722*]

[*CCR 105*]

<244> North Carolina Ss.

At a Generall Court held for the Said Province at the Courthouse in Edenton on Queen Annes Creek on Tuesday the 27th. day of March 1722. Present Christopher Gale Esquire Cheif Justice.

<*Collonel Gales Comission publish't.*> The Lords Proprietors Commission to Christophr. Gale Esqr. Cheif Justice was read and published but the Commis-

sion to the Assistants being voyd by the demise of the late Governor Eden The Court adjourn'd till Monday next at Eight of the Clock in the Morning.

Monday Aprill the Second 1722. The Court Mett according to Adjournment and Soe continued by Severall Adjournments till Saterday the Seventh following. Present Christopher Gale Esqr. Cheif Justice, John Blount, John Valley, John Worly, Edmd. Gale Esqrs., Adam Cockburne, Henry Clayton, John Solley, John Cotton Esqrs. Justices Assistants.

<*Assistants Qualified.*> The Aforesaid Commission from the Lords Proprietors to the Cheif Justice was agen read and also a Commission from the president and Councill appoynting John Blount John Palin Robert West John Worley Edmond Gale Adam Cockburne Henry Clayton John Solley and John Cotton Esqrs. Justices of the Peace and Assistants to the said Cheif Justice whereupon the said John Blount John Palin John Worley Edm'd Gale Adam Cockburne Henry Clayton John Solley and John Cotton Esqrs. took and Subscribed the Oaths appoynted by Law for their Qualification and likewise the Oath for the due Execution of their Office.

<*Governor Eden's will prov'd.*> The Last Will and Testament of Charles Eden Esqr. late Governor was prov'd by the Oaths of Henry Clayton Esqr. and William Badham and a Codicill to the said Will was proved by the Oath of George Allen and Cert[ificate] thereon Granted.

[*Torn*] The Last Will and Testament of [*torn*] proved by the Oath of Mr. William [*torn*] thereon Granted.

[*Torn*]uncupative Will of William Bell [*torn*] precinct was Proved by the Oaths of [*torn*] and John Walker and Certificate there[*torn*] It is Order'd that Letters of Administration [*torn*] Son of the said William with the Will [*torn*].

<245> <*Palin* v. *Hendrey.*> On the Motion of John Palin Esqr. Setting forth that there was lodged in the hands of John Lovick Esqr. (as Naval Officer) by Thomas Hendrey of Boston Merchant the Sum of [*blank*] in order to discharge a Debt or Demand for the like Sum demanded of the said Hendrey by him the said John Palin Esqr. And the said John Lovick Esqr. came into Court and acknowledged the Same was due in manner and form as is Sett forth.

Order'd that the said John Lovick Esqr. pay and deliver to the said John Palin the aforesaid Sum of [*blank*] so lodg'd in his hands he Giving Security to returne the same to the said Hendrey in case the said Hendrey should make the Same appear not to be due.

And thereupon John Palin and John Solley Esqr. acknowledg'd themselves indebted to the Cheif Justice and the rest of the Justices of the Generall Court of this province in the Sum of Fiffty pounds Current money of this Province With Condition that if the said Thomas Handry shall at any time hereafter make appear that the said Sum of [*blank*] either in whole or in part is not due to the Said John Palin that then the said John Palin shall refund and restore to him the said Thoms. Hendrey the like Sum Soe much thereof as is found not to be due then the above Recognizance shall be voyd otherwise to Stand and be in full force.

Whereas no Entry is to be found upon the Record to have been made of any Action continued or Entred to July Court One thousand Seven hundred and Twenty nor to October Court One thousand Seven hundred and twenty.

It is therefore the Unanimous Opinion of this Court that all Actions now upon the Dockett which appear to have been entred before March Court One thousand Seven hundred and twenty One are not regularly now in Court for want of a due Continuance and that noe Judgement can be formed thereon. Wherefore It is resolved by the Court that all Such Actions being by neglect Error or discontinuance out of Court be dismist of from the Docket and that the Clerk for Such his Neglect doe forfeit all his Fees accruing to him by the said Actions.

Which actions are [*torn*] Following Videlicet.

[*Torn*] Luton v. Orlando Champion Ejectment dismist. [*Torn*] Action Thos. Luton Senior came into Court and made a Motion in [*torn*] the Judgement of the Court that the said Action was [*torn*]. Which Motion was rejected.

[*Torn*] Swann v. William Parker - - [dismist].

[*Torn*]ph Morgan v. James Welch Case [dismist].

[*Torn*]hinghouse v. Palmer - - - [*torn*].

[*Torn*]ett v. Braveboy Case - - - [*torn*].

[*Torn*]tterley v. Bray Assault - - - [*torn*].

<246> Monke v. Bray Case - - - dismist.

Bray v. Betterley Debt - - - dismist.

Idem v. Eundem Debt - - - dismist.

Pollock v. Salisberry Debt - - - dismist.

Dowers v. Montier Debt - - - dismist.

Barcliff v. Batemant Debt - - - dismist.

Porter etc. v. Williamson Case - - - dismist.

Kirby v. Jessop Detinue - - - dismist.

Crispe v. Palmer Case - - - dismist.

Birkett v. Turnedge Debt - - - dismist.

Idem v. Eundem Case - - - dismist.

Crispe v. Palmer Case - - - dismist.

<*Skinner Evidence.*> Upon the Petition of Richard Skinner and Mary his Wife praying to be allowed for their Attendance at the Suite brought by Capt. Nicholas Crispe against Paul palmer on the behalf of the said Palmer. It is Order'd that the Said Paul Palmer pay to the said Skinner for twenty four days Attendance at two shillings and Six per day and for twenty days going and Coming to and from Court at twenty pence per day with Costs alias Execution.

<*Jorden* v. *Bell.*> And now here at this day (Videlicet etc.) came the aforesaid Joseph Jorden by Daniel Richardson his Attorney to prosecute his appeall against John Bell in an Action of Tresspass etc. brought by the said Bell against the said Jorden in the precinct Court of Pasquotank and Verdict thereon had for the Sum of Eighteen pounds with Costs And for Error Saith That in the Action of Tresspass etc. brought by the said Bell against the said Jorden the said Jorden pleaded an Abatement that that Action did not lye but an Action of Replevin by virtue of a Statute and proof then produced Yet the said plea was overuled and the said defendante forced to plead a new And thereupon the Defendante pleaded the General Issue and offer'd an Affidavit which was before taken before the said Justices in Open Court the person then going out of the province and question'd his returne before the next Court the which he did and was not in the Country at

the time of the Tryall but the Court would not admitt of that affidavit nor Suffer it to be read for want whereof Judgement passed against the Said defendante which would not had that Affidavit been read. Therefore in that there is manifest Error and is Contrary to Law.

And the said Bell appearing by Thomas Swann his Attorney and the Record of the proceedings [*torn*] Court being Seen and the Errors Assign'd by the Court here diligently [*torn*] understood it is the Opinion of this Court that the said Aff[idavit] [*torn*] with Costs.

[*Torn*] here at this day (videlicet etc.) came the afore[*torn*] his Attorney to prosecute his Appeal [*torn*] depending in the precinct Court of Chowan bet[*torn*] the said Jones defendante in which Suite an [*torn*] said Jones's Estate for the Sum of four pounds [*torn*] with Costs, which said Attachment being Issued [*torn*] One barrells of Tarr etc. At a Court [*torn*] said Seven hundred and Twenty the said Attac[*torn*] <247> But the said forty One barrells of Tarr Soe attached, having been casually burnt while it lay under the said Attachment all other matters waved both by the Appellant and defendante the Question was putt and Issue in Law taken thereon whether the Tarr Soe burnt was at the time of burning Soe become the property of the said Dowers as to discharge the Debt aforesaid which being Consider'd by the Court here; It is Adjudg'd that the said forty One barrells of Tarr So attached was Soe farr become the property of the said Dowers as to discharge the said Jones of the aforesaid Debt and Costs.

<*Porter etc.* v. *Blitchenden.*> And now here at this day (Videlicet etc.) came the aforesaid Porter etc. by Thomas Henman their Attorney and the said Blitchenden in his own proper person and hereupon by the Consent of both parties the Cause is putt in respite till the next Court on the last Tuesday in July next.

<*Orrock* v. *Blitchenden.*> Now here at this Day came the aforesaid Orock by Thos. Henman his Attorney to prosecute his Suit aforesaid upon a plea of Tresspass on the Case for One Iron Grey Horse branded on the near Buttock with (ED) and from him unjustly detained by the said Blitchenden to the plaintiffes damage twenty pounds.

And the Said Thomas Blitchenden in his proper person comes and defends the force and Injury when etc. And Saith he is no wise guilty of the Tresspass etc. aforesaid as the aforesaid Plaintiffe hath above declared against him and of this he putts him Self upon the Country and the plaintiffe in like manner.

Thos. Blitchenden

Thos. Henman pro plaintiffe

Therefore It was Commanded to the Marshall to Cause to come twelve etc. by whom etc. who neither etc. and there came Henry Bonner Willm. Bonner Jacob Blount Wm. Haughton Thos. Yates Constance Luton Edward Wingate Edward Patchett Wm. Alden Samll. Warner Edwd. Handen and Wm. Charlton who between the partys aforesaid being Impannell'd and to Say the truth of the premises Elected tryed and Sworne did Say upon their Oaths

Wee of the Jury doe find for the Defendante. Therefore It is consider'd that the said Orrock may goe from hence in mercy and the Said Blitchenden may goe without Day and that the said Orrock pay Costs alias Execution. Wm. Jones to be pd. ten shillings as Evidence in said Cause alias Execution.

<*Chapman* v. *Case.*> And now here at this day (Videlicet etc.) the aforesaid Chapman being Solemnly called Came not neither prosecuted her Suite aforesaid Therefore it is Consider'd that the said Chapman may goe from hence in mercy and that the said Case may goe without day and that the said Chapman pay Costs alias Execution.

<*Chapman* v. *Humphrys.*> And now here at this day (Videlicet etc.) the aforesaid Chapman by Thos. Henman her Attorney came to prosecute her Suite aforesaid against the said Humphrys for the said Sum of Thirty Seven pounds nineteen shillings and Eleven pence half peny and the Said defendante (being Solemnly called) came not wherefore it [*torn*]uted at the prayer of the plaintiffe that the Marshall do attach the Goods and [*torn*] of the Said Humphrys So as to Compell him to appear at the next [*torn*] answer the said Plaint.

[*Torn*] now here at this day (Videlicet etc.) the aforesaid Chapman by Thos. [*torn*] her Attorney came to prosecute her Suit aforesaid [*torn*] the said [*torn*] said Sum of four Thousand Six hundred and fiffty four [*torn*] being Solemnly called came not Where[*torn*] Attorney aforesaid prayed Continuance of [*torn*] Granted returnable the last Tuesday in [*torn*].

[*Torn*] And now here at this day (Videlicet etc.) [*torn*] his Wife Administrator etc. by Wm. Little [*torn*] their Appeall in Avoydance of a Judge [*torn*] <248> found against them at the precinct Court of Chowan held in Janry. One thousand Seven hundred and Twenty in a Suite depending between John Falconer plaintiff and the Said Wm. and Mary defendants in a plea of Tresspass on the Case for the Sum of Seventeen pounds and Six shillings Sterling due to him by Account which Said Summ the said Wm. did assume upon himself to pay etc. as the said Falconer in his Declaration does Sett forth.

And for Errors Says

1. That the Judgement ought to have been for the Defendante now the Appellant.
2. That the plaintiffe ought to have brought his Action against the Wife of the said Havett Joyntly with him being Administrator and Administratrix.
3. That the money Sued for (if ever due) it is of So Long Standing as to be barr'd by the Act of Limitation.
4. That the plaintiffe had Setled all Accounts relating to the said Clerks Estate with the said Administrator and gave a Bond to the said Administrator for the Ballance as a finall Issue.
5. That the plaintiffe recovering under pretence of a Verball Promise of the Administrator is Contrary to the Statute of the 29th. Car. 2d. Called the Statute of frauds the Said Sum being above Ten pounds for all which Errors the Appellant prays the former Judgement may be reversed and he allow'd his Costs.

And the Said Falconer Appearing by Thomas Henman his Attorney and the Record and proceedings aforesaid being Seen and the Errors Assign'd by the Court here diligently Examined and fully Understood It Seemed to the Court here that there is manifest Error in the Same Wherefore It is granted that the said Verdict found in the precinct Court of Chowan be Annulled And that the said Wm. and Mary be restored to all that by means of the said Verdict they lost and that the said Falconer pay Costs alias Execution.

<*Oliver* v. *Howcott. Vide page* 225.> And now at this day the aforesaid Oliver being Solemnly called came not neither prosecuted his Writ aforesaid Therefore It is Consider'd that the Said Oliver may be from hence in mercy and the said Howcott may goe without day and that the said Oliver pay Costs alias Execution.

<*Clayton* v. *Bozman Vide Page 226 Section 3d.*> And now here at this Day (Videlicet etc.) the aforesaid Henry Clayton in his Own proper person came to prosecute his Suite aforesaid against the said Bozman for the Said Sum of Twenty five pounds damage and the defendante (being Solemnly called) came not Whereupon the aforesaid Clayton pray'd Continuance of the Attachment which was Granted returnable the last Tuesday in July next.

Roundtree v. Herrington Debit return'd non est inventus alias to Issue.

Dowers versus Herrington Debit return'd Non est inventus. Alias to Issue.

<*Peirce Junior* v. *Herrington.*> And now at this day (Videlicet etc.) came Thos. [*torn*] Henman his Attorney to prosecute his Suit aforesaid [*torn*] of a plea that he the said defendante render unto him the said Plaintiffe the [*torn*] Sterling which he the said defendante owes and unjustly [*torn*] due by Obligation under the defendante's hand [*torn*] Seven hundred and Eighteen payable to the plaintiff [*torn*] the said Herrington (being Solemnly called) [*torn*] make returne of Bond and Security taken [*torn*] Law he ought to have done Where[*torn*] either to have an Order against the Marshall [*torn*] Or an Attachment against the defendantes Estate. <249> And the plaintiffe aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the said Provost Marshall of Bath County have the Body of the said defendante at the next Generall Court to answer to the aforesaid plaintiffe otherwise Judgement to be confirm'd against the said Marshall for the aforesaid Debt With Costs.

Whereupon the Marshall prayed an Attachment against the estate of the said defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Generall Court on the last Tuesday in July next to answer the said Plaintiffe which is Granted.

<*Peirce* v. *Minge.*> And now at this day (Videlicet etc.) came Thomas Peirce Junior by Thos. Henman his Attorney to prosecute his Suite aforesaid against James Minge of a plea that he render unto him the said plaintiffe the Sum of Fiffty five pounds Sterling which he the said defendant owes and unjustly detaines from him the said plaintiffe the Same being due by Obligation under the defendant's hand Dated the twenty Fifth day of May One thousand Seven hundred and Twenty payable to the plaintiffe and here in Court produced etc. And the Said Minge (being Solemnly called) came not nor did the Marshall make returne of Bond and Security taken for the said Ming's Appearance as by Law he ought to have done. Wherefore the plaintiffe was put to his Choyce either to have an Order against the with Stay of Execution till next Court or an Attachment against the defendantes Estate.

<*Order* v. *Marshall.*> And the Plaintiffe aforesaid making choice of an Order against the Marshall. It is therefore Order'd that the said Provost Marshall of Albemarle County have the body of the said defendante att the next Generall Court to answer the aforesaid Plaintiffe. Otherwise Judgement to be Confirmed against the said Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall prayed an Attachment against the estate of the Said defendante for the debt and Costs aforesaid So as to compell him to appear at the next Generall Court on the last Tuesday in July next which is granted.

<*Parris* v. *Minge.*> And now at this day (Videlicet etc.) came Thomas Parris by Thos. Henman his Attorney to prosecute his Suite aforesaid against James Minge of A plea that he the said defendante render unto him the said plaintiffe the Sum of Ten pounds Sterling which he the said defendante owes and unjustly detaines from him the said plaintiffe the Same being due by Obligation under the defendante's hand dated the twentieth day of Novemr. One thousand Seven hundred and nineteen payable to the said plaintiffe and here in Court produced etc.

And the said Minge (being Solemnly called) came not and the Marshall having made returne that he had left a Copy of the Writt and Declaration at the defendante's house as directed by an Act of Assembly in that Case made and provided.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be Issued out against the Goods and Chattells of the said Minge thereby to compell him to appear and answer the suite of the said Parris returnable to the next Court to be holden at Edenton on Queen Annes Creek the last Tuesday in [*torn*].

[*Torn*] And now at this day (Videlicet etc.) came Seth Hawkes [*torn*] his Attorney to prosecute his Suite aforesaid against John Pettiver of [*torn*] he render unto him the said plaintiffe the Sum of Thirteen pounds Eleven [*torn*] pence which he the said Defendante owes and unjustly detains from him the said plaintiffe (for [*torn*]) the twenty Second day of December One thousand Seven hundred and nineteen at [*torn*] of Perquimons the defendante by One Writing [*torn*] aforesaid did acknowledge to have recd. of [*torn*] said Sum of £13-11-6 which Said Sum of £13-11-6 the [*torn*] the said Seth when thereunto requested he [*torn*].

And the [*torn*] Attorney comes and defends the force and Injury [*torn*] plaint etc. because he Saith that the Plaintiffe [*torn*] <250> hath declar'd against the said defendante in the Debet and Detinet Notwithstanding the said defendante is Said therein to be chargable for the Sum declared for by his promise or Assumption which lyeth in an Action upon the Case and wherein the plaintiff by Law ought to have declared as upon the Case and not in the Debet and Detinet as he hath done wherefore he prayes Judgment as Aforesaid etc. and that the plaint aforesaid may abate etc.

<*Issue Joyn'd.*> And the Plaintiffe likewise in haec Verba Videlicet And the said Hawkes by his Attorney aforesaid having Joyn'd Issue thereon and the Court here having heard and duly consider'd the said Plea and the reasons offer'd by the said Attorneys for and against the Same It is Consider'd by the Court that the said Action doe abate and that the plaintiffe recover nothing thereby but be in mercy for his false Clamour and that he pay Costs alias Execution.

Dunham v. Williamson Debt. Returned Agreed.

<*Winright* v. *Woodward.*> And now at this day (Videlicet etc.) came James Winright by Thos. Henman his Attorney to prosecute his Suite aforesaid against

Samuel Woodward of a plea that he render unto him the said plaintiffe the Sum of Fiffteen Pounds Sterling which he the said defendante owes and unjustly detains from him the said plaintiffe the Same being due by Obligation under the defendante's hand dated the first day of December One thousand Seven hundred and Twenty payable to the said Plaintiffe and here in Court produced etc.

And the Said Saml. Woodward (being Solemnly called) came not nor did the Marshall make returne of Bond and Security taken for the said Woodwards Appearance as by Law he Ought to have done.

<*Order* v. *Marshal.*> Wherefore the plaintiffe aforesaid making Choice of an Order against the Marshall: It is therefore Order'd that the Provost Marshall of the County of Albemarle have the Body of the said defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirmed against the Marshall for the aforesaid Debt with Costs.

Whereupon the Marshall pray'd an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid Soe as to compell him to appear and answer at the next Generall Court on the last Tuesday in July next. Which is Granted.

<*Fomvile Administrator* v. *Fullford.*> And now here at this Day (Videlicet etc.) came John Fomvile Administrator of Peter Fomvile deceased by Thomas Boyd his Attorney to prosecute his Suite aforesaid against Joseph Fullford of Core Sound Planter in a plea of Tresspass on the Case Sur Trover and Conversion for One Indian Male Slave named Harry of the age of Sixteen Years or thereabouts of the price of Sixty Pounds Sterling money of great Brittain which Said Slave he declares to have been part of the proper Estate of the said Peter and now by Virtue of the Lettres of Administration to him Granted on the said Peter's Estate to be the right and property of him the said John and that the said Fullford doth keep and detain [*torn*] Slave from the plaintiffe in delay of the Administration of [*torn*].

And the Defendante [*torn*] his Attorney appeared and pleaded not Guilty and [*torn*] upon the Country.

[*Torn*] plaintiffe in like Manner.

And hereupon by the [*torn*] Said Cause is refferr'd for tryall till [*torn*] Tuesday in July next.

<251> <*Havett* v. *Bennett.*> And now here at this day (Videlicet etc.) came Wm. Havett by Wm. Little his Attorney to prosecute his Suit aforesaid against Jno. Bennett Senior of a Plea that he render unto him the Sum of four pounds due by Account here in Court produced etc.

And the Said Bennett (being Solemnly call'd) came not nor did the Marshall make returne of Bond or Security taken for the said Bennetts Appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the defendant's Estate.

And the Plaintiffe aforesaid making Choice of an Attachment against the defendante's Estate;

Order'd that an Attachment be made out according to the prayer of the plaintiffe thereby Commanding the Marshall to Attach Soe much of the Goods and

Chattells of the said Bennett as will compell him to appear at the next Court to answer the Plaint aforesaid.

<*Curtis* v. *More.*> And now here at this day (Videlicet etc.) came Foxwell Curtis by Wm. Little his Attorney to prosecute his Suite against Edwd. More of a plea of Debt that he shou'd pay and render to the plaintiffe the Sum of Sixty Six pounds which to the plaintiffe he oweth and unjustly detaineth for that Videlicet on the twenty Fiffth day of February One thousand Seven hundred and nineteen as by A Bond under his hand and Seale dated the Same day and Year and here in Court produced doth appear did bind and oblige himself to pay to the said Foxwell the aforesaid Sum of Sixty pounds Sterling money of Great Brittain etc.

And the Said Edward Moore being Solemnly called came not Whereupon the plaintiffe produced in Court the Said Bond which had been duly prov'd on Oath before Fred. Jones Esqr. late Cheif Justice according to the form of an Act of Assembly in that Case made and Provided and pray'd Judgement of the debt aforesaid.

<*Judgment by nihil dicit.*> Therefore It is consider'd that the aforesaid Foxwell Curtis do recover against the said Moore the Summ aforesaid with Costs [*illegible*] the defendante do appear at the next Court to answer the aforesaid Plaint.

<*Lysle* v. *Bray.*> And now here at this day (videlicet etc.) came Maurice Lysle by Wm. Little his Attorney to prosecute his Suite against Thos. Bray ad Damnum One hundred and Sixty Pounds And the Marshall having return'd non est Inventus the plaintiffe prayed an Attachment against the defendante's Estate.

Order'd that an Attachment be made out according to the Prayer of the plaintiffe thereby Comanding the Marshall to Attach Soe much of the Goods and Chattells of the Said Bray as to compell him to appear at the Next Court and answer the plaint aforesaid.

[*Torn*] And now here at this Day (Videlicet etc.) came William Maule [*torn*] attorney Wm. Little to prosecute his Suite against Thomas Bray ad Damnum [*torn*] and Seventy pounds And the Marshall having returned [*torn*] Inventus the plaintiffe pray'd an Attachment against the defendante's Estate.

Order'd that an Attachment be made [*torn*] to the prayer of the plaintiffe thereby Commanding the Marshall to attach [*torn*] of the Goods and Chattells of the said Bray So as to [*torn*] next Court and Answer the said Plaint.

[*Torn*] And now here at this day (Videlicet etc.) came [*torn*] to prosecute his Suite against Thos. Bray ad Damnum [*torn*] return'd non est inventus the plaintiffe prayed an Attachment against [*torn*] attachment be made out according to the prayer of the plaintiff [*torn*] much of the Goods and Chattells of the said Bray as to [*torn*] next Court and Answer the said plaint.

<252> Butler v. Thos. Long in appeall from the precinct Court of Chowan—referr'd by Consent of the parties for hearing till next Court.

Butler v. Joshua Long in appeal from Chowan Precinct Court refferr'd for Tryall by Consent of parties for hearing till next Court.

Butler v. Thomas Wyatt in appeall from the precinct Court of Chowan refferr'd by the Consent of both parties for hearing till next Court.

Butler v. John Wyatt in appeal from Chowan precinct Court refferr'd for tryall by Consent of the parties for hearing till next Court.

Pollock v. Plowman and Herring: Case: discontinued by the plaintiffe the defendante Plowman being dead.

Willson v. Bernard Debt—return'd Agreed.

Willson Executor v. Bernard Executor Debt. Return'd Agreed.

Willson v. Perkins returned non est inventus and Agreed.

<*Maule* v. *Bray.*> And now here at this day (Videlicet etc.) came William Maule by Wm. Little his attorney to prosecute an Attachment granted by John Blount Esqr. One of the Justices of the Generall Court and Complains

That Thos. Bray late of Chowan precinct being Indebted to Wm. Maule of the Same precinct the Sum of Fiffty Pounds And the Said Bray having withdrawn himself out of the Government; His Goods Pursuant to the Act in that case provided were Attach't to Answer the said debt due as in the said Attachment Sett forth and the said Thomas having replevyed the said Goods on the twenty Sixth of October last the said Wm. Maule by his Attorney aforesaid declares and complaines against the said Thos. of a plea that the defendante Should render to the plaintiffe the Said Sum of Fiffty pounds which to the plaintiffe he oweth and unjustly detains for that to witt at Chowan Precinct in the County of Albemarle on the twenty Eighth day of March One thousand Seven hundred and Seventeen the said Thos. by his Writting Obligatory under his hand Dated at the same time and ready in Court to be produced did Oblige himself to pay to the Said Wm. the full and Just Sum of Fiffty pounds in bills of this Government of North Carolina when he should be thereunto required.

And the Said Thomas Bray (being Solemnly called) came not Whereupon the plaintiffe proceeded by his Corporall Oath to prove the debt due from the said defendante according to the form of An Act of Assembly in that Case made and provided.

<*Judgment by default.*> And for default of the said defendante's Appearance Therefore it is Consider'd that the aforesaid Maule doe recover against the said Bray the Sum aforesaid with [*torn*] the [*torn*] doe Appear at the next Court to answer the aforesaid [*torn*].

<*Palmer* v. [*torn*].> And now here at this day (Videlicet etc.) [*torn*] Thos. Swann his Attorney to prosecute his Suite [*torn*] that he render unto him the Sum of Eighteen [*torn*] owes and unjustly detains from him the [*torn*] Bill dated the Fiffth of Novemr. One thousand [*torn*] to the plaintiffe and here in Court produced etc.

And the aforesaid Thos. [*torn*] his Attorney comes and defends the force and Injury [*torn*] nothing in Barr or avoydance of the aforesaid [*torn*] by which the Said Palmer against the said Parris should [*torn*].

<253> Therefore It is Consider'd that the aforesaid Palmer Shall recover against the said Parris the said Sum of Eighteen Pounds Sterling with Costs alias Execution.

<*Ryordane* v. *Harvey and Uxor Administrators.*> And now here at this day (Videlicet etc.) came Dennis Ryordane by Thomas Boyd to prosecute his Suite aforesaid against Richd. Harvey Junior and Ann his Wife Administrators of Wm. Stone of Bath County deceased of a plea of Tresspass on the Case etc.

And whereupon the Said Dennis by Thos. Boyd his Attorney Complaines for that that is to Say that when the aforesaid Dennis the tenth day of September

One thousand Seven hundred and Seventeen in Craven Precinct at the Especiall Instance and request of the aforesaid Wm. did Sell and deliver to the aforesaid William Sundry and divers Goods Wares and Merchandizes amounting to the Sum of Twenty five pounds Fiffteen shillings and Sixpence Current money as by the account thereof here in Court produced doth appear the Said Wm. In consideration thereof and being So indebted did Assume upon himself and to the said Dennis then and there faithfully promised that he the said Wm. the aforesaid Twenty five pounds Fiffteen shillings and 6*d.* to the said Dennis when he should be thereunto requested would well and faithfully pay and Content; Altho' he the said Wm. afterwards paid and contented to him the Said Dennis two pounds Seventeen shillings and Sixpence yet the aforesaid Wm. his Promise and Assumption aforesaid as to twenty two pounds eighteen shillings of the aforesaid Twenty five pounds Fiffteen shillings and 6*d.* residue little regarding but plotting and fraudulently intending him the said Dennis in that Part craftily to deceive and defraud of the aforesaid Twenty Two Pounds Eighteen Shillings in his life time hath not payd or Contented the Same to the said Dennis altho Oftentime thereunto requested nor hath the aforesaid Anne Since whilst sole paid or contented the Same to the said Dennis nor hath the aforesaid Richd. and Anne Since their intermarriage paid or contented the Same or any part thereof to the said Plaintiffe altho' often they have been thereunto often requested by the plaintiffe but the same to doe hath denyed and Still doth refuse and deny to the damage of the said Dennis thirty Pounds Current money and therefore he bringeth this Suite etc.

And the Defendante by Wm. Little his Attorney Appeared and for plea Says That he did not Assume in Manner and forme etc. And for tryall thereof putts himself upon the Country And the Plaintiffe in like manner.

And hereupon by the Consent of Both parties [*torn*] is referr'd for tryall till next Court the Last Tuesday in [*torn*] next.

[*Torn*] And nowhere at this day (videlicet etc.) John Palin Esqr. [*torn*] Richardson his Attorney came to prosecute his [suite against] Joseph [*torn*] for the Sum of Sixty Pounds Sterling etc. for [*torn*] day of March Anno Domini 1718/9 at Pasquotank [*torn*] Writing Obligatory under his hand and Seale [*torn*] did acknowledge himself to Stand indebted [*torn*] Pounds Sterling etc. to be pd. to him etc. against the [*torn*] and the said Jno. in fact Saith that the said Joseph [*torn*] but doth Still refuse to pay the Same to the damage of the said Jno. [*torn*] Pounds etc.

<254> And the Said Joseph (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Jorden's Appearance as by Law he ought to have done Wherefore the Plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the defendante's Estate.

And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the Provost Marshal of the County of Albemarle have the body of the said defendante at the next Generall Court to answer the aforesaid Plaintiffe otherwise Judgement to be confirmed against the Marshall for the aforesaid debt with Costs.

Whereupon the Marshall prayed an Attachment against the Estate of the said defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court which is Granted.

<*Lundin and Cooke* v. *Minge.*> And now here at this day (videlicet etc.) came John Lundin and Wm. Cooke by Danl. Richardson their Attorney to prosecute their Suite against James Minge for the Sum of four pounds Sterling etc. which to them he owes and unjustly detains for that whereas the said James the Six and twentieth day of March One thousand Seven hundred and nineteen at the precinct of Perquimans by his Certain Note or writing under his hand now in Court ready to be produced dated the Same day and year doth acknowledge himself to Stand indebted to the said John and Wm. in the true and Just Sum of four pounds Sterling etc. to be pd. to them or their Order against the first day of May then next Ensuing And the said John and Wm. in fact Saith that the said James hath not paid to them the said four pounds Sterling according to the tenor and Effect of his said Note or writing as he ought to have done whereby an Action accrues to the said John etc. to recover and have of the Said James the aforesaid four pounds Sterling Yet the said James altho' he has been often thereunto requested the aforesaid four pounds Sterling hath not as yett paid but to the said John and Wm. has refus'd and denyed to the damage of the Said John and Wm. twelve pounds etc.

And the said James Minge (being Solemnly call'd) came not nor did the Marshall make returne of Bond or Security taken for the said Mings Appearance as by Law he Ought to have done Wherefore the plaintiffe was putt to his Choice either to have an Order against the Marshall with Stay of Execution till next Court or an Attachment against the defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making Choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of the County of Albemarle have the Body of the said defendante at the next Generall Court to answer the aforesaid Plaintiffe. Otherwise Judgement to be confirmed against the Marshall for the aforesaid debt with Costs.

Whereupon the Marshall prayed an Attachment against the Estate of the said defendante for the debt and Costs aforesaid So as to Compell him to appear at the next Court which is Granted.

[*Torn*] And how here at this day (videlicet etc.) came the said Robert Peyton by Danl. Richardson his Attorney to prosecute his Suite against Thos. Swann for Speaking uttering divers false and Scandalous Words (to witt) that he meaning the said Robt. [*torn*] and Speaking of him as he had Serv'd as foreman of a Jury in Curratuck [*torn*] as forsworne and made the rest of the Jury forswear [*torn*] from which said false and infamous Words the said Peyton saith that [*torn*] the Sum of One hundred Pounds and therefore brings this Suite etc.

And the said Thos. Swann in his own proper person [*torn*] defends the force and Injury when etc. and for plea Says that the said Peyton his [*torn*] said against him the said Swann ought not to have and Maintaine and for [*torn*] of produce here in Court a Certificate under the Coloney Seale of his Majesties [Dominion] of Virginia whereby the said Peyton appears to be Outlawed by the Generall Court <255> Of the said Province and the plaintiffe pray leave to discontinue

this Suite. Therefore it is Consider'd that the said Peyton may goe from hence in Mercy and the said Swann may goe without day And that the said Peyton pay Costs alias Execution.

Upon Petition of John Penny praying to be allow'd for his Attendance in the said Suite Order'd that Robt. Peyton pay to John Penny One pound Eight shillings and four pence with Costs alias Execution.

<*Poyner* v. *Ryordane Ejectment.*> Dennis Ryorden was Attached to answer William Poyner Gentleman of a plea wherefore by force and Armes One Messuage plantation and Tract of Land Containing One hundred and twenty Seven Acres adjoyning to the Swamp of Pasquotank River binding on the Lower Side of the Swamp which makes the forke called (old Joyes Fork) with the Appurtenances in Pasquotank precinct which Philip Evins To the aforesaid William did Demise for a term which is not yet past Did enter and him from his Messuage plantation and Land aforesaid did eject and amove and other harmes to him did etc.

And whereupon the said Wm. by Thos. Swann his Attorney Complaines that whereas the aforesaid Philip Evens the first day of Septemr. One thousand Seven hundred and Twenty One at Pasquotank Precinct did Demise to him the Said William the Messuage Plantation and Land aforesaid with the Appurtenances to have and to occupy to him and his Assignes from the said first day of Septemr. last past, unto the End and Term of one whole Year thence next following to be fully compleat and Ended by virtue of which Demise the aforesaid Wm. into the premises aforesaid with the appurtenances did Enter and was thereof Possessed and he the said Wm. So being thereof possessed the aforesaid Dennis Ryordane afterwards (To witt) the third day of October one thousand Seven hundred and Twenty One by force and Armes etc. the Messuage plantation and Land aforesaid with the Appurtenances which the aforesaid Philip Evens to him the aforesaid Wm. in form aforesaid demised for the term aforesaid which is not as yet past did enter and him from his Messuage Plantation and Land aforesaid did eject and Cast out and other harmes to him did and to the Great Loss and damage of him the said Wm. and against the peace of our Sovereign Lord the King that now is. Whereupon he Saith he is damnified and hath damage to the Value of forty Pounds and thereupon he brings his Action etc.

Freind Saml. Pritchard

You may perceive by this Declaration that I am Sued for the Messuage plantation and Land now in Your Possession These are therefore to give you notice to appear att the next Generall Court to be held for this province the last Tuesday of this Instant October to defend your Title if any you have or else I shall Suffer Judgement to be entred by default.

October the 18th day 1721 Your freind

Dennis Ryordane

<*Evans* v. *Pritchard Ejectment.*> Then came into Court the said Samuel Pritchard and prayed to be admitted defendante and that his name might be inserted instead of the Casuall Ejector which was allowed by the Consent of the Attorneys for the plaintiffe and defendante. And the Said Saml. Pritchard confessed Lease Entry and Ouster. Whereupon the said Pritchard by Daniel Richard-

son his Attorney [prayeth] time or Lycence to Imparle untill the next Generall Court and he [*torn*] The Same day is Given unto Philip Evens who by Consent of [*torn*] Said is admitted plaintiffe to the said Action.

Order'd that John Palin Esqr. [*torn*] take the Examination of George Harris Senior Said to be [*torn*] cause and incapable of travelling by reason of his [*torn*].

<*Glover* v. *Harding Attachment.*> Charlesworth Glover by Edwd. Moseley his Attorney comes to prosecute [*torn*] granted by Christopher Gale Esqr. against the Estate of [*torn*] for five hundred pounds which Attachment being [*torn*] <256> this Court Executed in part by the provost Marshall of Bath County Upon Motion of the said Glovers attorney Order'd that the said Attachment be continued till Sufficient be attached Returnable to the first day of the next Generall Court the last Tuesday in July next.

<*Jessop* v. *Pettiver.*> John Pettiver was attached to answer to the Suite of Joseph Jessop in a plea of One hundred and Eight pounds etc.

<*Nonsuite.*> And the defendante in his proper person came and prayed Oyer of the Writt and declaration but there being no Declaration filed It is therefore Consider'd that the said Jessop may goe from hence in mercy and the Said Pettiver may goe without day and that the said Jessop pay Costs alias Execution.

<*Everenden* v. *Woodland.*> John Woodland was attached to answer to the Suite of Thomas Everinden assignee etc. in a plea of Debt for One Cow and Yearling damnum three pounds etc.

<*Nonsuite.*> And the said Plaintiffe being (Solemnly called) came not neither filed any Declaration It is therefore Granted that the said Thomas Everenden may go from hence in mercy and the said John Woodland may goe without day and that the Said Everenden pay Costs alias Execution.

<*Belcher* v. *Pettiver.*> And now here at this day (Videlicet etc.) came the aforesaid John Pettiver according to the Submission of Arbitration and Rule of Court thereon made and confess't himself to Owe and Stand indebted unto Jonathan Belcher of Boston Merchant in the Sum of One hundred and thirty barrells of Merchantable Tarr or on failure thereof One hundred Twenty One pounds Seventeen shillings and Six pence Current money and Likewise that he did further owe and Stand indebted unto the said Jonathan Belcher in the Sum of Two hundred and forty two barrells of Tarr or in lieu thereof Two hundred and forty two pounds Current money Whereupon It is Consider'd that the said John do pay to the said Jonathan Belcher the Sum of three hundred and Seventy two barrells of Tarr or in lieu thereof three hundred Sixty three pounds Seventeen shillings and Six pence Current money With Costs alias Execution. <*Satisfaction made Octor. 17th 1722, Testis W. Bell. Judgment confess'd, Execution Issued Apr. 14.*>

<*Ogilby* v. *Roper.*> Thomas Roper was Attach'd to answer to the Suite of Patrick Ogilby of a plea that he render unto him the said plaintiffe the Sum of forty Pounds Current money of this Province which he the said defendante owes and unjustly detains from him the Said plaintiffe the Same being due by Account here in Court produced etc.

And the said Roper (being Solemnly called) came not nor did the Marshall make return of any Bond or Security taken for the said Ropers Appearance as by

Law he Ought to have done Wherefore the plaintiffe was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the defendantes Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante att the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirmed against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid Soe as to [*torn*] to appear and answer at the next Court which is Granted.

Ogilby [*torn*] Case returned agreed.

[*Torn*] Esqr. v. Maule Debt returned Copy Left etc. [*torn*] by the Death of the plaintiffe.

<257> <*Blount* v. *Bonner.*> John Blount complains against Henry Bonner in Custody of the Marshall and of a plea that the Defendante should pay and render to the plaintiffe the Sum of thirty pounds which to the plaintiffe he owes and unjustly detains for that whereas in and by an Act of Assembly Entituled an Act to appoynt the marking of Horses Cattle and hogs and to prevent Injurys being done by killing mismarking driving away or destroying peoples Stocks Among other things it is therein and thereby Enacted that if any person or persons shall take up kill mark or brand or alter or deface the mark or markes brand or Brands of any horses Cattell or hogs not properly their Own and be thereof lawfully convict by the Oath or Testimony of any one Credible Wittness he or they shall forfeit for every horse Mare Colt or Neat Cattell So taken up killed marked or branded mismarked or misbranded altered or defaced the Sum of Ten Pounds over and above the value of Such horse Mare Colt neat Cattle or hogs one half to the Owner thereof the other half to him or them that shall Sue for the Same to be recover'd by Action of Debt Bill plaint or Information in any Court of Record in this Government.

Now the plaintiffe in fact Sayeth that Some time in July last or thereabout he the defendante the Act aforesaid not regarding but fraudulently intending the plaintiffe to wrong and injure Videlicet in the precinct of Chowan did take up and drive away a Certain Mare about five years of age with her Colt which was not properly his Own and the said Mare he the defendante did Mark brand or mismarke which Mare and Colt were of the price of Twenty pounds and the said Mare and Colt hath driven away as aforesaid in an Unlawfull manner without the plaintiffe's knowledge or Consent and the Said Mare and Colt belonging to the plaintiffe Action hath by Virtue of the aforesaid Act accrued to him to have and recover of the defendante the Sum of thirty pounds (Videlicet) Ten pounds over and above the Value of the Said Mare and Colt which Sum the defendante refuses to pay tho' often requested ad Damnum etc. Thirty pounds and therefore the plaintiffe brings this Suite etc.

Wm. Little per plaintiffe

<*Plea. Issue Joyn'd.*> And the defendante Saith that he ought not to be burthen'd with the Debt mention'd in the Declaration aforesaid because he Saith

that the Mare and Colt taken by him is his Own proper Estate and of that he putts himself upon the Country and the plaintiffe likewise.

Thos. Swann per Defendante

<*Continued.*> Whereupon by the Consent of both partys the said Cause is put in respite for tryall till the next Court.

<*Howcott* v. *Oliver.*> Edward Howcott Complains against Aaron Oliver in Custody of the Marshall etc. of a plea that the defendante render and deliver to the plaintiffe One pair of Millstones or in Value the sum of five pounds Sterling for that Videlicet that whereas the said Edward having a pair of Millstones of the value of five pounds Sterling of his own proper Goods and the Same being Casually lost Videlicet in Janry. One thousand Seven hundred and Twenty by finding came into the hands and possession of the defendante who having converted the Same to his Own use hath utterly denyed and refused the Said Millstones to the plaintiffe to deliver Altho' demanded of him but detains and witholds to the damage of the said Edward the Sum of five pounds Sterling and therefore he brings this Suite etc.

Wm. Little [*torn*]

<*Attachment.*> And the said Oliver (being Solemnly [*torn*]) not nor did the Marshall make returne of Bond or Security [*torn*] appearance as by Law he ought to have done [*torn*] to his Choice either to have an Order against the Marshall [*torn*] till the next Court or an Attachment against the Defendant [*torn*] aforesaid made choice of an Attachment against the [*torn*].

<258> Order'd that an Attachment be made out according to the prayer of the plaintiffe thereby Commanding the Marshall to attach Soe much of the Goods and Chattells of the Said Oliver as will compell him to appear at the next Court to answer the Plaint aforesaid.

<*Howcott* v. *Oliver.*> Edward Howcott Complaines against Aaron Oliver in custody of the Marshall etc. of a plea that the defendante should pay and render to the plaintiffe the sum of Fiffteen pounds for that to witt that whereas the said Edwd. was indebted to the said Aaron by Bill the Sum of Eight pounds Sterling and he the said Edward at the precinct Court in Chowan April One thousand Seven hundred and Twenty did conffess Judgement for the Same in Consideration that the said Aaron would take Eight pounds in bills or pitch for the said Debt and release the said Judgement which the said Aaron did promise to do and thereon the said Edward did by the hands of John White Son of George White pay to the said Aaron the said Eight barrells of Pitch yet nevertheless the said Aaron his Assumption aforesaid not regarding did not release and discharge the aforesaid Judgement of Court but took out Execution for the said Debt Videlicet Eight pounds Sterling at Fiffty per Cent which together with the additional Costs and Charges Amounting in the whole to Fiffteen pounds he the said Aaron Caused to be levyed and the Same of the plaintiffe did most unjustly and wrongfully recover and obtain to the plaintiffes damage Fiffteen pounds and therefore he now brings this Suite etc.

W. Little per plaintiffe

<*Order* v. *Marshall.*> And the Said Oliver being Solemnly called, came not nor did the Marshall make returne of Bond or Security taken for the said Oliver's

appearance as by Law he Ought to have done Wherefore the plaintiffe was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the defendante's Estate.

And the plaintiffe aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendante at the next Generall Court to answer to the aforesaid Plaintiffe Otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear and Answer at the next Court: Which is Granted.

<*Cockburne etc.* v. *Mears.*> Adam Cockburne Esqr. and John Gibson complains against Wm. Mears in Custody etc. of a plea that the defendante should pay to the plaintiffe the Sum of ten pounds for that the defendante aforesaid being a Servant to the plaintiffes as by his Indenture ready to be produced doth appear in Octobr. One thousand Seven hundred and Nineteen the Defendante having then two years to Serve did agree with the said Gibson for his time who acquitted him the service of the said Gibson and the plaintiffe and he the said defendante did in Consideration thereof Assume and promise to pay to the said John Gibson or Adam Cockburne in Company the sum of ten pounds the Defendante aforesaid his Assumption not regarding the said Sum hath not paid but the same to pay unjustly refuses and neglects tho' often requested to the plaintiffe's damage ten pounds and therefore he brings this Suite etc.

W. Little pro plaintiffe

<*Order* v. *Security.*> And the said William Mears (being Solemnly called) came not Whereupon James Peake came into Court and became Speciall [*torn*] said Mears's appearance at the next Court to Answer etc. [*torn*] It is therefore Order'd by this Court that the said Peake have [*torn*] Court the Body of the said Mears to answer the plaint [*torn*] Adam Cockburne and John Gibson otherwise Judgement to be [*torn*] him for the said Sum of ten pounds with Costs.

<259> <*Palin* v. *Palmer.*> James Palin of Chowan Complaines against Paul Palmer in Custody etc. of a plea that the defendante should hold Covenant with the plaintiffe according to the form force and Effect of certain Indentures made between the plaintiffe and defendante and whereof the plaintiffe declares that on the tenth day of August One thousand Seven hundred and Twenty One by certain Indentures Interchangably between the plaintiffe and defendante made and Executed whose date is of the same day and year and now in Court produced he the defendante for the Sum of thirty pounds by the plaintiffe paid having demised and leased to the plaintiffe a certain Plantation on Queen Annes Creek whereon Thomas Peterson lately dwelt withall the houses buildings and Tenements thereon Excepting the Storehouse he the defendante did particularly covenant with all convenient dispatch to make tight the Covering of all the houses or Tenements on the said Plantation; Now the plaintiffe in fact Saith that he hath on his part well and truly paid the defendante the Consideration money and every way fulfill'd his part of the said Indentures and Covenant holden with the defendante according to the Tenour thereof yet he the defendante hath not holden covenant with

the plaintiffe and done on his part what by the said Indentures he the defendante did covenant to doe and performe particularly in that the defendante did not with Convenient dispatch nor at any time yet hath made tight the Covering of the said houses and tenements on the demised plantation whereby the plaintiffe's household Stuff and Goods were very much damnified and Injured by the Weather and he the plaintiffe hindred of the benefitt and improvement of the said houses by reason they were not made tight according to Covenant and further to prevent his Goods from being utterly Spoyled he the plaintiffe hath been compelled at Great Costs and Charge him self to repair and Cover the said houses to make them tight after the defendante had utterly refused So to do by all which the plaintiffe is greatly injured and damage hath Sustained to the Value of Twenty pounds and therefore he brings this Suite etc.

W. Little per plaintiffe

<*Oyer.*> And the said Defendante by Thos. Swann his Attorney prayeth Oyer of the Indentures and Lycence to Imparle untill the next Court on the last Tuesday in July next to Answer to the plaintiffe of the plea aforesaid and he hath it.

The Same day is also given to the Plaintiffe.

<*Gale etc. Executors* v. *Everenden.*> The Marshall was Commanded to attach the Body of Thomas Everenden to answer unto Edmond Gale Esqr. and George Durant Executors of the last Will and Testament of John Hecklefield Esqr. deceased of a plea that he the defendante Should pay and render to the plaintiffes the Sum of Seven pounds money or Seventy Pounds Weight of Good Cocoa for that the defendante aforesaid on the ninth day of Septemr. One thousand Seven hundred and Twenty by Writing Obligatory under his hand of the Same Date did bind and Oblige himself to pay to the said Jno. Hecklefield or his Assignes the full Quantity of Seventy pounds weight of Cocoa valued at Two Shillings per pound which in the whole amounts to the Sum of Seven pounds yet Nevertheless the defendante neither the said Seventy pounds weight of Cocoa nor the said Seven pounds hath paid to the said John Hecklefield in his Life time nor to his Executors the plaintiffe's at any time Since but the same unjustly neglects and refuses tho' often requested Ad Damnum Seven pounds and therefore they bring this Suite etc.

W. Little per plaintiffe

<*Non est inventus.*> And Thomas Harvey Esqr. Provost Marshall of the County of Albemarle having made returne thereof (non est inventus) and the defendante being Solemnly called came not.

<*Attachment.*> Therefore It is [*torn*] Marshall doe Attach the Goods and Chattells of the [*torn*] compell him to appear at the next Court on the last Tuesday [*torn*] to answer to the Plaintiffe's aforesaid.

<260> <*Clayton* v. *Charoons.*> Henry Clayton Esqr. Complains against James Charoon and John Charoon In custody, etc. of a plea that the defendante render to the plaintiffe the Sum of thirty Pounds which to him they owe and unjustly do detain for that videlicet that whereas in and by an Act of Assembly holden at the house of Captain Richard Sanderson at Little River on the Seventeenth day of November One thousand Seven hundred and Fiffteen and continued by Severall adjournments to the nineteenth day of Janry. following Entituled an Act

to appoynt the marking horses Cattell and Hoggs and prevent Injurys being done by killing mismarking driving away or destroying peoples Stocks Among other things it is Enacted that if any person or persons shall take up kill mark or Brand or alter or deface the Mark or Marks Brand or Brands of any horses Cattle or Hogs not properly their Own and be thereof Lawfully Convict by the Oath or Testimony of any one Credible Wittness he or they shall forfeit for every horse Mare Colt Neat Cattle etc. So taken up killed Marked or branded mismarked or misbranded altered or defaced the Sum of Ten Pounds over and above the Value of Such horse Mare Colt neat Cattell or hogs one half to the Owner and the other halfe to him or them that shall Sue for the Same to be recover'd by Action of Debt Bill plaint or Information in any Court of Record within this Government.

Now the plaintiffe in fact Saith that the act aforesaid notwithstanding the said James Charoon and John Charoon did on or about the tenth day of May One thousand Seven hundred and nineteen did take up and drive away a certain Grey Mare with a White Mane marked or branded with (E. G.) commonly called the White mane'd Mare on the sand Banks near Curratuck the said Mare not being properly their own Mare whereby they have incurr'd the penalty of the Said Act and forfeit the Sum of Ten Pounds over and above the Value of the said Mare which Mare was of the price of twenty Pounds and the Said Henry Clayton being the proper Owner of the said Mare action hath thereby accrued to him to have and recover of the defendante's the whole Sum of thirty Pounds being Ten Pounds over and above the Value of the Said Mare which Nevertheless the Defendante unjustly neglect and refuse to the plaintiffe to pay tho often requested to the plaintiffs damage Thirty pounds and therefore he brings this Suite etc.

W. Little per plaintiffe

And the said James Charoon and John Charoon (being Solemnly called) came not and the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's houses as directed by an Act of Assembly in that Case made and provided.

<*Attachment.*> It is therefore granted at the plaintiffe's Motion that an Attachment be Issued out against the Goods and Chattells of the said Charroons thereby to Compell them to appear and answer the suite of the said Clayton returnable to the next Court to be holden at Edenton on Queen Anns Creek the last Tuesday in July next.

<*Harris* v. *Comander etc.*> Thomas Harris Complaines against Thos. Comander and William Everingham Executors of the Last Will and Testament of James Tooke deceased of a plea that the defendantes Should render to the plaintiffe the sum of Eighty three pounds Fiffteen shillings and 8*d.* for that videlicet that whereas the said James Took in his life time being indebted to the plaintiffe the sum of Eighty three pounds Fiffteen shillings and 8*d.* for a quantity of publick Bills and a Stock of Cattle Sold and deliver'd the said James Tooke money lent to the said James and mony paid him by Arnold White all which appears by a particular account thereof ready in Court to be produced in the whole amounting to the Sum of Eighty three pounds Fiffteen shillings and 8*d.* and which the said James to the plaintiffe assumed to pay yet Nevertheless the said James the aforesaid Sum due as aforesaid to the plaintiffe did never [*torn*] time nor his Executors

at any time Since but the same unjustly [*torn*] to pay tho' often thereto requested to the plaintiffe's damages [*torn*] therefore he brings this Suite etc.

W. Little pro plaintiffe

And now here at this day came the aforesaid Thoms. Comander [*torn*] Thomas Harris and hereupon by the Consent of Both partys the said Cause [*torn*] the next Court the last Tuesday in July next att Edenton in Chowan precinct.

<261> <*Ogilby* v. *Young.*> Patrick Ogilby Complains against Joseph Young of a plea that he the said defendante render unto him the said plaintiffe the Sum of four pounds Six shillings which he the said defendante owes and unjustly detains from him the said plaintiffe the Same being due by Bill under the defendante's hand Dated the twenty Seventh day of Octobr. One thousand Seven hundred and Twenty one also the Sum of ten shillings due by Account here in Court produced etc.

Thos. Boyd per plaintiffe

And the said Joseph Young being Solemnly called came not and the Marshall having made returne that he left a Copy of the Writt and Declaration at the Defendantes house as directed by an Act of Assembly in that Case made and provided.

<*Attachment.*> It is therefore Granted at the Plaintiffe's Motion that an Attachment be Issued against the Goods and Chattells of the said Joseph Young thereby to compell him to appear and answer the Suite of the said Ogilby returnable to the next Court to be held at Edenton on the last Tuesday in July next.

<*Gale* v. *Durant. Ejection.*> Edmond Gale of Pasquotank complaines against George Durant of Perquimans in Custody etc. for that Videlicet that whereas Anthony Hatch of the Precinct of Perquimans on the tenth day of June one thousand Seven hundred and twenty One at Perquimans aforesaid did demise grant and to Farm lett to the said Edmd. Gale a peice of Land Containing about twenty Acres lying on Little River having been Some time in the Improvement of Thos. Snowden and is parcell of a Tract of Land Containing three hundred and fourty four Acres in the whole which the said Anthony Purchased of one Turrill and is bounded as by the Pattent together with the Tenements and appurtenances To have and to hold the Said Lands and Tenements with the Appurtenances to the said Edmond Gale and his Assignes from the last day of May then last past untill four Years Should thenceforth fully compleated and Ended by virtue of which demise the said Edmond Gale into the premises did enter and was thereof Seized untill the said George Durant afterwards Videlicet on the Same tenth day of June by force and Armes into the Said demised premises in and upon the possession of the Said Edmond Gale did Enter and the said Edmond from the demised premises his term therein not being yet Expired did Eject Expell and remove and the Said Edmond being So Ejected Expell'd and removed from the possession of the Same did keep out and Still doth keep out and other Injurys then and there did against the peace of Our Sovereign Lord the King and to the Plaintiffes damage Ten Pounds and therefore he brings this Suite etc.

W. Little per plaintiffe

To Mr. Thos. Snowden Tenant in possession of the Lands Tenements and

Appurtenances —

Sir. You may perceive by this Declaration in Ejectment that I am Sued for the premises or Some part thereof to which I have no Title if therefore you have any and intend to defend it you must appear at the next Generall Court to be holden the last Tuesday in March otherwise I shall Suffer Judgement to pass against me by default and you will be turned out of possession.

Febr. 25 1721 Yours George Durant

<*Hatch* v. *Snowden. Ejectment.*> And now here at this day Videlicet (Apr. the 3d. 1722) The Provost Marshall of Albemarle County prov'd by his Oath the Execution hereof by delivering to the Tennant in Possession a true Copy of the foregoing writt of Ejectment and notice thereon Endorsed. And the said Thos. Snowden Tenant in Possession (being Solemnly called) came not Therefore It is consider'd that unless the said Thos. Snowden do appear at the next Court and Consent to a Rule to be made to defend in the room of George [*torn*] Casuall Ejector and doe then Conffess Lease entry and Ouster and insist [*torn*] that then Judgement shall be entred against the [*torn*] Writt of Habere facias Possessionem of the [*torn*] aforementiond be Granted to Anthony Hatch who [*torn*] Wm. Little his Attorney and prayed to be admitted [*torn*] <262> in the room of Edmond Gale Lessee aforemention'd.

<*Badham* v. *Conden.*> William Badham Complaines against John Conden of Pasquotank Precinct In Custody etc. of a plea that the defendante should render to the plaintiffe the sum of five Pounds for that to witt that whereas the defendante having in his keeping a Mill belonging to the plaintiffe videlicet in Septemr. One thousand Seven hundred and Twenty he the defendante did buy the same of the plaintiffe and to him assum'd to pay as much therefor as the Same was reasonably Worth Now the plaintiffe in fact Saith that the said Mill was reasonably worth five Pounds yet Nevertheless the defendante his Assumption aforesaid not regarding for the said Mill the plaintiffe hath not paid but therefor to pay unjustly refuses and denyes tho often requested to the plaintiffes damage five pounds and therefore he brings this Suite etc.

W. Little pro plaintiffe

<*Order* v. *Marshall.*> And the said Conden (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Conden's Appearance as by Law he ought to have done Wherefore the plaintiffe was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the defendante's Estate.

And the Plaintiffe aforesaid making choice of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the Body of the said defendante at the next Generall Court to answer to the aforesaid Plaintiffe otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the debt and Costs aforesaid Soe as to compell him to appear at the next Court on the Last Tuesday in July next Which is Granted.

<*Hastings* v. *West.*> Theophilus Hastings late of the Precinct of Pasquotank Complaines against Charles West of the said precinct In Custody etc. of a plea of trespass on the Case for that Videlicet Whereas the said Theophilus Hastings on the tenth day of June One thousand Seven hundred and Twenty at Pasquotank aforesaid being Possessed of a certain Negro Girle Slave Called Nan about nine years of Age of the price of Fiffty Pounds as of his Own proper Estate and being So possesst the said Theophilus out of his hands and possession Casually lost which afterwards Videlicet on the tenth day of Novemr. last at Pasquotank aforesaid into the hands and Possession of the said Charles West by finding came yet the Said Charles West knowing the said Negro Slave to be the proper goods and Estate of Theophilus Hastings and to the said Theophilus of right to belong and appertain yet fraudulently intending the said Theophilus of the said Negro Craftily and Subtilly to deceive [*torn*] and the said Negro, altho' often required, to the said Theophilus hath [*torn*] to deliver but the said Girle afterwards Videlicet on the twenty Seventh of November last at Pasquotank aforesaid to his own proper use did convert and dispose to the damage of the said Theophilus as he Sayth the Sum of Fiffty Pounds and therefore he brings this Suite etc.

W. Little per plaintiffe

<*Continued prece partium.*> And now here at this day came the aforesaid Theophilus Hastings and the said Charles West by their Attorneys and hereupon by Consent of both Parties the said Cause is put in respite until the next Court the last tuesday in July next.

<*Ogilby Assignee* v. *Thickpen.*> Ogilby Assignee v. Thickpen Debt. Return'd agreed.

[*Torn*] Thomas Mathews Complaines against Paul Palmer in Custody [*torn*] Marshal etc. of a plea that the defendante Should render unto the plaintiffe [*torn*] Seven shillings and Sixpence etc. [*torn*] the defendante comes and Confesses etc. for the sum of One pound and [*torn*] wherewith the plaintiffe being Content It is therefore Consider'd that the [*torn*] Shall recover against the said Paul the said Sum of One Pound and <263> Fiffteen Shillings which Said Sum of One Pound Fiffteen shillings being paid therefore the said Paul of the Debt and Damages is acquitted. <*Judgment Satisfied.*>

<*Allen* v. *Palmer.*> George Allen Complains against Paul Palmer in Custody etc. of a plea that he the said defendante render unto him the said plaintiffe the Sum of five pounds Seven shillings and 6*d*. Virginia money and three hundred thirty five pounds of Tobacco due to the plaintiffe by a Judgment obtain'd at York County Court in Virginia the Fiffth day of June one thousand Seven hundred and Nineteen as per Copy of the Records of Said Court here in Court brought does appear etc.

Henman per Plaintiffe

And the Defendante in his own proper person comes and prays Lycence to Imparle to the next Court, which is Granted, he the said defendante thereupon Consenting, that it may be a Rule of this Court that unless he the defendante do appear at the next Court and produce Sufficient Vouchers to be allow'd of by the Court here of the Judgement aforesaid being Satisfied, in whole or in part, that

then Judgement Shall be entred against him for the sum declar'd for, or for So much thereof as shall then appear to remain unpaid.

<*Hastings* v. *Buckley.*> Collonel Theophilus Hastings by William Little his Attorney comes to prosecute his Suite against Rowland Buckley for four Pounds Seventeen Shillings Sterling money of Great Brittain due to him the said Theophilus by one Certain Writing Obligatory dated Augs. the twenty fourth One thousand Seven hundred and fourteen and here into Court brought etc.

And the Defendante (being Solemnly called) came not and the Marshall having made Returne that he left a Copy of the Writt and Declaration at the defendante's house as directed by an Act of Assembly in that Case made and provided.

<*Attachment.*> It is therefore Granted at the Plaintiffe's Motion that an Attachment be Issued against the Goods and Chattells of the Said Buckley thereby to compell him to appear and answer the suite of the said Hastings returnable to the next Court on the last Tuesday in July next.

<*Pugh Administrator* v. *Jenkins.*> Thomas Jenkins of the Precinct of Chowan was attacht to Answer Theophilus and Francis Pugh Gentleman Executors de bonis non of Thomas Hawstead Gentleman deceased of a plea that he render to them the Sum of twenty five barrells of Tarr due to the said Hawstead by Bill dated the Eleventh day of Decemr. One thousand Seven hundred and Seventeen etc.

And the defendante in his Own proper person came and prayed Oyer of the Bill aforesaid but there being no bill filed in Court,

<*Nonsuite.*> It is therefore Consider'd at the Defendante's Motion, that the Said Pugh may Goe from hence in Mercy and that the said Jenkins may goe without day and that the said Pugh pay Costs alias Execution.

<*Allen* v. *Ogilby Execution* v. *Goods Issued Augs. 6, 1722.*> George Allen comes to prosecute his Suite against Patrick Ogilby in a plea of Tresspass on the Case for nine pounds [*torn*] shillings Current money of Virginia due by Account here in [*torn*].

<*Judgment Confesst Satisfaction made.*> And the defendante in his Own Proper person [*torn*] for Eight pounds Ten shillings of the like Current [*torn*] the Said Allen being Content, It is therefore Considered [*torn*] against the said Ogilby the said Sum of Eight pounds ten shillings Current [*torn*].

<264> <*Allen Assignee* v. *Ogilby.*> George Allen Assignee of Robert Sanders Assignee of John Spratley complains against Patrick Ogilby in Custody etc. of a plea that he the said defendante render unto him the said Plaintiff the Sum of twelve pounds and nineteen shillings and two pence Current money of Virginia which he the said defendante owes and unjustly detains from him the said plaintiffe Videlicet the tenth day of March One thousand Seven hundred and Twenty One at the precinct of Chowan in the province aforesaid the Same being due by Bill under the defendante's hand dated the fourteenth day of January One thousand Seven hundred and Seventeen payable to the said Spratley or Order and by Endorsement became due to the plaintiffe and is here in Court produced etc.

Henman per plaintiffe

<*Order* v. *Marshall.*> And the Said Ogilby (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the Said Ogilbys

Appearance as by Law he ought to have done Wherefore the plaintiffe was put to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the defendante's Estate; And the plaintiffe aforesaid making Choice of an Order against the Marshall, It is therefore Consider'd and Order'd that the Marshall of Albemarle County have the body of the said Defendante at the next Generall Court to answer to the plaintiffe Otherwise Judgement confirm'd against the said Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the debt and Costs aforesaid So as to compell him to appear at the next Generall Court and answer the said Plaintiffe which is Granted.

<*Allen Assignee* v. *Smith.*> George Allen Assignee of Robert Sanders Assignee of John Spratley by Thos. Henman his Attorney comes to prosecute his suite against John Smith etc. of a plea that he render unto him the said plaintiffe the Sum of four pounds Fiffteen shillings and Eleven pence farthing Current money of Virginia money which he the said defendante owes and unjustly detains from him the said plaintiffe Videlicet the first day of March One thousand Seven hundred and Seventeen at the precinct of Chowan in the province aforesaid due by Bill under the defendante's hand payable to John Spratley or Order and by Endorsement became due to the plaintiffe Dated the Seventeenth day of Janry. One thousand Seven hundred and Seventeen and here in Court produced etc.

And the said Smith (being Solemnly called) came not nor did the Marshall make returne of Bond of Security taken for the said Smiths appearance as by Law he ought to have done Wherefore the plaintiffe was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Or an Attachment against the defendante's Estate. And the Plaintiffe aforesaid making Choice of an Order against the Marshall

<*Order* v. *Marshall*> It is therefore Order'd that the Marshall of Albemarle County have the Body of the said Defendante at the next Generall Court to answer to the plaintiffe Otherwise Judgement confirm'd against the said Marshall for the aforesaid debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the debt and Costs aforesaid So as to compell him to appear at the next Generall Court and answer to the said Plaintiffe which is granted.

[*Torn*] v. Stafford Debt: return'd Executed and Agreed.

[*Torn*] Burdinshall return'd Agreed.

[*Torn*] Wright return'd Agreed.

<265> <*Patchett* v. *Bonner Ejectment.*> Samuel Patchet Complaines against Henry Bonner in custody etc. for that Videlicet whereas Abraham Hill of Chowan planter on the tenth day of June One thousand Seven hundred and twenty One at and in the precinct of Chowan in the County of Albemarle did demise grant and to farm lett to the aforesaid Saml. Patchet a tract of Land containing five hundred Acres lying in Perquimons aforesaid bounded as followeth Videlicet beginning at a pine in George Spires Line then No. 36 degrees West 36 pole to a

Red Oak then No. 35, East 34 Pole to a pine then No. 13: West 80 pole to a pine then No. 62 West 57 pole to a pine then So. 74: West 90 pole to a Gum then No. 53 West 50 pole to a Gum then No. 75 West 40 pole to a pine then No. 44 West 47 pole to a pine then So. 80 West 45 pole to a pine then So. 28 West 134 Pole to a white oake then So. 52 East 116 pole to a white Oak then No. 54 East to the first Station—Together with the Appurtenances To have and to hold the said Land with the Appurtenances to the said Saml. Patchet and his assignes from the last day of May then last past untill the full end and term of five Years from thence next ensuing and fully to be compleated and Ended by virtue of which Demise the said Saml. into and upon the said Land and Appurtenances did Enter and thereof after was possessed untill the said Henry Bonner Vodelicet on the said tenth day of June by force and armes etc. Into the said Lands and appurtenances and in and upon the possession of him the said Saml. did Enter and him the said Saml. his term aforesaid (not yet being expired) thereout and therefrom did eject Expell and oust and him the said Samuell So Ejected expelled and Ousted from his possession thereof hath kept out and Still doth keep out and other Injurys to him then and there did against the peace of Our Lord the King and to the damage of the plaintiffe Twenty pounds etc. who thereon brings this Suite etc.

W. Little per plaintiffe

Mrs. Mary Eason

You may perceive by this Declaration in Ejectment within that I am Sued for the premises or Some part thereof to which I have no title if therefore you claim any thereto and intend to defend it you must appear at the next Generall Court to be holden on the last Tuesday of Octor. next and make your defence Otherwise I shall Suffer Judgement to pass against me be default and you will be turn'd out of possession.

Septr. 30th 1721 Yrs. Henry Bonner

And the Said Mary Eason Tenant in possession (being Solemnly called) came not Therefore It is Consider'd that unless the Said Mary Eason do appear at the next Court and Consent to a Rule to be made to defend in the room of Henry Bonner casuall Ejector and do then Confess Lease Entry and Ouster and insist on the Title only that then Judgement shall be entred against the Casuall Ejector and a Writt of Habere Facias Possessionem of the Lands and Tenements aforesaid be granted to the said Lessee for his term aforesaid.

Provided that the Officer who made Service of this Declaration and Notice do then also appear and make Oath of his due Service thereof.

<*Little* v. *Casewell and Uxor.*> Wm. Little comes to prosecute his Suite against Mathew Casewell and Rebecca his Wife Administrators to the Estate of Edward Phelps Esqr. deceased that they Should pay and render to the plaintiffe the sum of three pounds Seventeen Shillings and 8*d*. for that the said Edward Phelps in his Life time Videlicet on or about the 1 of July 1716 bought and recd. of Saml. Doten factor for the plaintiffe two Iron Potts and other Goods all being the proper goods of the plaintiffe to the value of three pounds Seventeen shillings and 8*d*. and the said Sum therefor he the said Phelps did assume to the plaintiffe or his use to pay when he should be thereunto requested yet he the said Edwd.

in his Life time the said Sum never did [*torn*] Administrators at any time Since tho' often requested to the plaintiffe's damnum Six pounds [*torn*] he brings Suite etc.

<*Order* v. *Marshall.*> And the Said Mathew Casewell and [*torn*] (being Solemnly called) came not nor did the Marshall [*torn*] or Security taken for the said Phelps's appearance as by [*torn*] done Wherefore the plaintiffe was putt to his Choice [*torn*] <266> against the Marshall with Stay of Execution till the next Court or an Attachment against the defendante's Estate.

And the Plaintiffe aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the Body of the said Defendantes at the next Generall Court to answer to the aforesaid Plaintiffe Otherwise Judgment to be confirmed against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said defendantes for the debt and Costs aforesaid So as to Compell them to appear at the next Generall Court to answer the said Plaintiffe which is Granted.

Little v. Alexander Executed and Agreed.

Pettiver v. Willson Executed and agreed.

Little v. Rayfield Executed and Agreed.

<*Little* v. *Ludiford.*> William Little comes to prosecute his Suite against William Luddiford of a plea that the defendante render to the plaintiffe the sum of four pounds for that to witt whereas the said Wm. Luddiford on or about the first day of July One thousand Seven hundred and Sixteen In Chowan precinct bought and recd. of Saml. Doten factor for the plaintiffe a pair of Blanketts of the Value of three pounds and four shillings Current money and other goods to the value of Sixteen shillings all which were the proper goods of the plaintiffe he the defendante there for Assuming to pay to the plaintiffe or his use the said Sum of four pounds when thereto required yet he the said defendante the same hath not paid but denyes and refuses Ad Damnum Six pounds and therefore he brings this Suite etc.

And the defendante (being Solemnly called) came not and the Marshall having made returne that he left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided.

<*Attachment.*> It is therefore Granted at the Plaintiffe's Motion that an Attachment be Issued against the Goods and Chattles of the said Luddiford thereby to compell him to appear and Answer to the suit of the said Little returnable to the next Court on the last Tuesday in July next.

<*Brett* v. *Everendn.*> John Brett by Wm. Little his Attorney comes to prosecute his Suite against Thos. Everenden of a plea that the defendante should render to the plaintiffe the Sum of thirty Eight pounds ten shillings and four pence the Same being due to him by Account for goods Sold by Chris. Butler and Jno. Brett Junior and here in Court brought etc.

And the Said Everenden (being Solemnly called) came not—Whereupon the Marshal produced Anthony Alexander Security for the said Everenden as by the Baile Bond produced here in Court appeareth.

<*Order* v. *Security.*> And the plaintiffe was putt to his Choice either to have an Order against the Security with Stay of Execution till next Court or an Attachment against the defendante's Estate—and the plaintiffe aforesaid making choice of an Order against the Security— Judgement is therefore Granted against the said Alexander for the Said Sum of thirty Eight pounds ten shillings and four pence with Stay of Execution till next Court.

Whereupon It is further Order'd that the said Alexander have the Body of the Said Everenden at the next General Court to answer to the aforesaid Plaintiffe otherwise Judgement to be Confirm'd against the said Alexander for the said Debt and Costs.

[*Torn*] v. Day— Return'd Cepi and Agreed.

[*Torn*] Charles West Administrator de bonis non of the Estate of Thoms. [*torn*] his Attorney W. Little comes to prosecute his Suite against Richard [*torn*] a plea that the defendante should pay to the plaintiffe the sum of Twenty Three pounds [*torn*] Sterling due by a Writing Obligatory under his hand and Seale <267> Dated the thirty first day of December One thousand Seven hundred and Fiffteen ready in Court produced etc. ad Damnum Twenty five pounds.

<*Non est inventus.*> And Thos. Harvey Esqr. Provost Marshall of the County of Albemarle having made returne thereof (non est inventus) and the defendante (being Solemnly called) came not.

<*Attachment.*> Therefore It is Granted that the Marshall doe attach the Goods and Chattles of the Said Defendante So as to compell him to appear at the next Court on the last Tuesday in July next to answer the said plaintiffe in the plea aforesaid.

<*Ellison* v. *Frank.*> John Ellison by Wm. Little his Attorney comes to prosecute his Suite against Martin Frank of a plea that the defendante should render to the plaintiffe the Sum of Seventy One pounds Fiffteen shillings and 11*d.* Sterling which to the defendante and unjustly detains for that Videlicet in the County of Albemarle in the Colony aforesaid on the eighth day of Novr. 1719 the said Martin by his Writing Obligatory under his hand and Seale dated at the Same time and ready in Court produced did oblige himself to pay to the plaintiffe the said Sum etc. when he should be thereunto required yet nevertheless the said Sum due as aforesaid to the plaintiffe the defendante hath not paid but denyed and refused etc. tho' often requested and ad Damnum ten pounds etc.

<*Copy Left.*> And the Defendante (being Solemnly called) came not and the Marshall having made returne that he left a Copy of the Writt and declaration at the Defendante's house as directed by an Act of Assembly in that Case made and Provided.

<*Attachment.*> It is therefore granted at the plaintiffe's Motion that an Attachment be Issued against the Goods and Chattells of the said Martin Frank thereby to compell him to appear and Answer to the Suite of the Said Ellison returnable to the next Court on the last Tuesday in July next.

Upon Motion of Christopher Gale Esqr. Cheif Justice Shewing that no Fees are ascertained by Law for the Cheif Justice for the Following Matters; And that by the Law for ascertaining Officers Fees the doing thereof is referr'd to any two Justices of the Court in all Such Cases where the Law is deficient.

It is therefore Consider'd that the Cheif Justice may receive and take the following fees untill the Same Shall be otherwise Settled by the Generall Assembly Videlicet

Submission of Arbitration Twenty shillings.
Attorney Admitted - - forty shillings.
Every Warrant - - five shillings.
Proving every Power of Attorney five shillings.
Proving Account out of Court and Certificate - - five shillings.
Liberate for Prisoners - - ten shillings.
Signing and Sealing every Writt - - Two shillings and Sixpence.
Taxing Bill of Costs - - Two Shillings and Sixpence.
And then the Court adjourned till [*torn*] Tuesday in July next.

[*Torn*]

[*March 1722*]

[*CCR 103*]

<66> North Carolina Ss.

Att a General Court of Oyer and Terminer and Goal delivery held at the Court house in Edenton on Tuesday the 27th. day of March and continued by Severall Adjournments till Saterday the 7th. day of April 1722. Present Christopher Gale Esqr. Cheif Justice, John Blount, John Palin, John Worley, Edmd. Gale Esqrs., Adam Cockburne, Henry Clayton, John Solley, John Cotton Esqrs. Assistants.

The following Persons were Impannell'd and Sworne upon the Grand Jury Videlicet—Capt. Nicholas Crispe Foreman, Capt. John Alston, Mr. Thomas Blitchenden, Mr. John Crispe, Mr. Wm. Charlton Senior, Mr. Samll. Bernard, Mr. James Williamson, Mr. Thomas Luton Junior, Mr. Macororo Scarborough, Mr. Wm. Willson, Mr. Paul Phillips, Mr. Joseph Spruill, Mr. John Pettiver, Mr. Wm. Howett, Capt. Samll. Patchett, Mr. Joshua Turner, Mr. Joseph Jessop Who being charg'd by the Cheif Justice with things proper for their Inquiry Withdrew and consider'd the Severall Matters given them in Charge and on their Returne made presentment of the Following Bills Videlicet.

A Bill of Indictment against Patrick Callihan for the murder of Henry Davis.

A Bill of Indictment against Charles Williamson and Willm. Maccoy for the Murder of Salmon Burges.

A Bill of Indictment against William Maccoy for the Murder of John Palmer.

A Bill of Indictment against Patrick Callihan for an Escape.

And then the Grand Jury was discharged from further Service att this Court.

<67> Danll. Richardson Esqr. his Majesties Attorney General came to prosecute the Bill of Indictment against Patrick Callihan for the Murder of Henry Davis (in haec Verba) Videlicet.

<*Dominus Rex* v. *Callihan.*> The Jurors of Our Sovereign Lord the King Presents that Patrick Callihan late of Curratuck Precinct in the County of Albemarle Planter not having the fear of God before his Eyes but being moved and Seduced by the Instigation of the Devill on the One and Twentieth day of August

in the year of our Lord One thousand Seven hundred and Twenty and One at Curratuck aforesaid in and upon one Henry Davis in the peace of God and our Lord the King then and there being by force and Armes an Assault did make And the said Henry Davis did beat Cutt and bruise by giving and Striking him two Mortall blows and Cutts on the head with a certain Weapon called a Cymeter or Cuttlash of the value of one Shilling and So voluntarily feloniously and of Malice forethought the Said Henry Davis at Curratuck aforesaid beat Cutt and wounded particularly on or about his head in Such violent that of the said Mortall blows Cutts and Wounds he pined and languished untill the five and Twentieth day of the Same Month and on the five and twentieth day of the Same Month of August at Curratuck of the aforesaid beating Cutting and wounding did die and So the Said Jurors on their Oaths doe Say that the aforesaid Patrick Callihan on the aforesaid five and twentieth day of August at Curratuck aforesaid in manner and form as aforesaid and of malice fore thought did feloniously and willfully Kill and murder contrary to the peace of Our Sovereign Lord the King that now is his Royal Crown and dignity etc.

Danll. Richardson pro Domino Rege.

<*Plea.*> Upon which Indictment the said Patrick Callihan was arraigned and upon his Arraignment Pleaded not Guilty and for tryall thereof putt himself upon God and the Country.

<*Jurors.*> Whereupon the Marshall was Commanded to cause to come twelve etc by whom etc. who neither etc. and there came videlicet Henry Bonner, William Bonner, Francis Branch, Jacob Blount, Wm. Haughton, Thos. Yates, and Edward Wingate, Constance Luton, Edward Patchett, William Yates, Richard Willson, Willm. Alden.

<*Verdict.*> Who being Impannel'd and Sworne Say Wee of the Jury find Patrick Callihan is guilty of Manslaughter then the said Callihan being asked if he had any thing to Say why Sentence Should not pass against him as the Law in that case had provided and he offering nothing in avoydance thereof <68> <*Sentence*> Whereupon It is consider'd and Adjudg'd that the said Callihan be burn't in the hand with the Letter (M) that he forfeit all his goods and Chattells for ever and the profitts of his Lands for a Year and a Day also that he become bound by Recognizance in the Sum of two hundred pounds with two Sureties in an hundred pounds Each for his Good behaviour for a Year and a day and that he remain in the Marshalls Custody till he has given Such Security and paid the Accruing Costs.

Memorandum: That that part of the Sentence of burning in the hand was Executed upon the said Callihan in open Court, And then it was further Order'd That the Provost Marshall doe Seize and take into his Custody all the personall Estate of the said Callihan wherever to be found in this Government and that he out of the said Estate doe pay all the Accruing Costs occasion'd by his prosecution and Apprehension as farr his goods will amount And that he pay the remainder (if any) to the Receiver General to the Use of the Lords Proprietors as Grantees from the Crowne.

Danl. Richardson Esqr. his Majesties Attorney General came to prosecute the Bill of Indictment found by the Grand Jury against William Maccoy for the Murder of John Palmer (in haec verba) Videlicet.

No. Carolina Ss.

To the Honorable Christophr. Gale Esqr. Cheif Justice for this Province and to the rest of the Justices for the holding the Generall Court thereof,

<*Dominus Rex* v. *Maccoy.*> The Jurors of Our Sovereign Lord the King upon their Oaths present That William Maccoy late of Curratuck precinct in the County of Albemarle and Province aforesaid not having the fear of God before his Eyes but Stirred up and Seduced by the Instigation of the Devil on the eighth day of December Anno Domini One thousand Seven hundred twenty One at Curratuck aforesaid by force and armes in and upon one John Palmer in the peace of God and our Lord the King then and there being an Assault did make and the said John Palmer did violently beat bruise and wound with Clubbs Sticks Staves and other weapons and Soe voluntarily feloniously and of Malice forethought the said John Palmer at Curratuck aforesaid did beat bruise and wound in Such violent manner that of the aforesaid Mortall blows bruises and wounds he pined and languished untill the eighteenth day of the Same Month of December and on the eighteenth of December aforesaid at Curratuck aforesaid of the aforesaid mortall beating bruising and wounding did die and Soe the aforesaid Jurors on their Oathes doe Say that the aforesaid Wm. Maccoy on the aforesaid Eighteenth day of December at Curratuck aforesaid the said John Palmer in manner and form as aforesaid and of Malice fore thought feloniously and willfully did kill and murder contrary to the peace of our Said Sovereign Lord the King that now is his Crown and Dignity etc.

Danll. Richardson pro Domino Rege.

<69> <*Plea.*> Upon which Indictment the Said William Maccoy was Arraigned and upon his Arraignment pleaded not Guilty and for tryall thereof putt himself upon God and the Country.

<*Jurors.*> Whereupon the Marshall was Commanded to cause to Come twelve etc. by whom etc. and who neither etc. and there came Videlicet Henry Bonner, William Bonner, Jacob Blount, Wm. Haughton, Thos. Yates, Constance Luton, and Edward Wingate, Edward Patchett, William Alden, Samuel Warner, Edward Standen, William Charlton Junior.

<*Verdict.*> Who being Impannell'd and Sworne Say That the said William Maccoy is not Guilty of the felony and Murder whereof he Stood Indicted.

Danl. Richardson Esqr. his Majesties Attorney General came to prosecute the Bill of Indictment found by the Grand Jury against Charles Williamson and William Maccoy for the Murder of Salmon Burges (in haec verba) Videlicet.

No. Carolina Ss.

To the Honorable Christopher Gale Esqr. Cheif Justice for this Province and to the rest of the Justices for holding the General Court thereof,

<*Dominus Rex* v. *Wmson. and Maccoy.*> The Jurors of Our Sovereign Lord the King upon their Oaths present That Charles Williamson late of Princess Anne County in the province of Virginia And William Maccoy late of Curratuck precinct in the County of Albemarle in this Province of North Carolina not having the fear of God before their Eyes but Stirred up and Seduced by the Instigation of the Devil of the eighth day of December Anno Domini One Thousand Seven hundred Twenty and One at Curratuck aforesaid by force and Armes in and upon One Salmon Burges late of Curratuck aforesaid in the peace of God and Our Lord

the King then and there being An Assault did make and the said Salmon Burges did beat bruise and wound with Clubbs Sticks Staves and other weapons and So voluntarily feloniously and of Malice fore thought the said Salmon Burges at Curratuck aforesaid did beat bruise and wound in Such violent manner that of the aforesaid blows bruises and wounds he pined and languished untill the three and twentieth day of the Same month of December And on the said three and twentieth day of December at Curratuck aforesaid of the aforesaid mortall beating bruising and wounding did die and So the aforesaid Jurors on their Oaths doe Say that the aforesaid Charles Williamson and William Maccoy on the aforesaid three and twentieth day of December at Curratuck aforesaid the said Salmon Burges in manner and form as aforesaid and of Malice aforethought feloniously and willfully did kill and Murder Contrary to the peace of Our Said Sovereign Lord the King that now is his Royall Crown and Dignity etc.

Danl. Richardson pro Domino Rege.

<*Plea.*> Upon which Indictment they were Arraigned and upon their Arraignment Severally pleaded Not Guilty <70> And for tryall thereof putt themselves upon God and the Country.

<*Jurors.*> Whereupon the Marshall was Commanded to cause to come twelve etc. by whom etc. who neither etc. and there came Videlicet Henry Bonner, William Bonner, Jacob Blount, Willm. Haughton, Thomas Yates, Constance Luton, Edward Wingate, Edward Patchett, William Alden, Saml. Warner, Edward Standen, William Charlton.

<*Verdict.*> Who being Impannell'd and Sworne Say That the Said Charles Williamson and Wm. Maccoy are not Guilty of the Felony and Murder whereof they Stood Indicted,

<*Sentence. Judgment for Security.*> It is therefore Consider'd by the Court that the said Charles Williamson doe Give Security for his good behaviour for a Year and a Day himself in the Sum of One hundred pounds with two Sureties in the Sum of Fiffty pounds Each and that he continue in the Marshalls Custody till he has given Such Security and paid all the Costs accruing by this prosecution.

Likewise that William Maccoy doe give Security for his good behaviour for a Year and a Day himself in the Sum of Two hundred pounds with two Sureties in the Sum of One hundred pounds Each and that he continue in the Marshalls Custody till he have given Such Security and paid all the Costs accruing by this Prosecution.

<*Maccoys Recognizances.*> And then the Said William Maccoy acknowledged himself to be indebted to Our Sovereign Lord the King his heirs and Successors in the Sum of Two hundred Pounds and Dennis Ryorden and Danl. Guthrie both of the precinct of Curratuck planters in the Sum of One hundred Pounds Each to be levyed on their Severall Goods and Chattells Lands and Tenements etc.

With Condition that if the said William Maccoy shall and doe well and truly behave himselfe towards his Majestie and all his leige people for a Year and a Day then the Above Recognizance to be Voyd otherwise to be and remain in full force and Virtue.

Danl. Richardson Esqr. his Majesties Attorney Generall came to prosecute the Bill of Indictment found by the Grand Jury against Patrick Callihan for an Escape (in haec Verba) Videlicet

North Carolina Ss.

To the Honorable Christopher Gale Esqr. Cheif Justice of this Province and to the rest of the Justices for holding the General Court thereof.

<*Dominus Rex* v. *Callihan.*> The Jurors for Our Sovereign Lord the King upon their Oaths present That Patrick Callihan late of Curratuck precinct in the County of Albemarle Planter was arrested for the <71> Murder of Henry Davis late of the Same precinct And afterwards Videlicet the Sixth day of August Anno Domini One thousand Seven hundred and Twenty One at pasquotank precinct in the Same County by John Furry Esqr. Justice of Our Said Lord the King for keeping the peace in the precinct of Pasquotank and County aforesaid was committed into the Custody of Major Thos. Harvey then Provost Marshall for the Said County of Albemarle and having in his Custody the aforesaid Patrick Callihan for the Murder afore said within a very short time after his Said Committment by force and Armes out of the Custody of the said Major Thomas Harvey and against the Will and knowledge of the said Thomas Harvey feloniously did gett and goe and from him did escape and fly out of the view and Sight of the said Thomas Harvey against the peace of Our Sovereign Lord the King that now is his Royall Crown and Dignity etc.

Danll. Richardson pro Domino Rege.

<*Plea. 2d. Plea. Judgment.*> Upon which Indictment the said Patrick Callihan was Arraigned and upon his Arraignment pleaded not Guilty but being a Second time called to the Barr in Order to his Tryall he prayed leave to withdraw his plea which being Granted him he then pleaded Guilty as to the Escape and humbly moved the Court that he might be heard by his Councill as to the Felony And the Same being argued by his Councill and likewise by the Attorney General on behalfe of the King The Court here is of Opinion that he is Guilty of Misdemeanour only.

<*Sentence.*> Whereupon it was Consider'd and Sentence was Pronounced that he Should be publickly whip't and receive nineteen lashes on his bare Back well laid on.

<*Bryant for Theft.*> Mathew Bryant being brought into Court for Stealing a Lamb belonging to Thomas Mathews confessed the Same And he appearing to have been Soe very drunk at the time of the Fact committed as to be Scarce capable of knowing what he did (and being very aged) It is Consider'd by the Court that he be carryed hence to the publick whipping Post and have his hands putt in the Bilbows and that afterwards he be sett in the Stocks for being drunk.

<*Hairbottle's Scire Facias.*> John Hairbottle being bound by Recognizance in the Sum of One hundred pounds Sterling to appear and give Evidence in behalfe of Our Sovereign Lord the King against Wm. Maccoy for the Murder of John Palmer being Solemnly call'd came not It is therefore Order'd that a Scire facias doe Issue out commanding him to appear at our next Court to show cause (if any he was) why the said Recognizance should not be declared Forfeited.

<72> <*Complaint* v. *Fryley.*> William Fryley being brought before this Court for feloniously stealing from One Edward Murray One pair of Mittens to the Value of ten pence came and acknowledged himself to be indebted to Our Sovereigne Lord the King his heirs and Successors in the Sum of Twenty Pounds and Edwd. Wingate and Cornelius Harnett in the Sum of Ten pounds Each to levyed

on their Severall Goods and Chattells Lands and Tenements etc. With Condition that if the said William Fryley shall make his personall Appearance at the next General Court to be held for this Province to answer to the Complaint of Edward Murray for the said Felony and do not depart the Court till he is lawfully discharged then this Recognizance to be voyd or else to remaine in full force etc.

<*Caverley Scire Facias.*> George Caverley an Evidence for Our Sovereign Lord the King against William Fryley bound by Recognizance in the Sum of Twenty Pounds to appear at this Court and being Solemnly called came not It is therefore Order'd that a Scire Facias doe Issue out commanding him to appear att the next Court and shew Cause if any he has why the said Recognizance Should not be declared Forfeited.

<*Butlers Recognizance. Discharg'd.*> Christopher Butler being bound by Recognizance to appear at this Court for Breach of the Peace and Scandalous Speeches utter'd against the late Governor and other Publick Officers of this Government made his Appearance and presented to the Court an humble Petition wherein he Submitted himself to the Mercy of the Court which being Consider'd and the Court having Given him a very Severe Reprimand he is dismist without day paying Costs.

<*Man's Recognizance. Discharg'd.*> John Man being bound by Bond to appear at this Court on Suspition of having harbour'd and Concealed one Patrick Callihan who had made his Escape from the Provost Marshall to whose Custody he was committed for the Murder of One Henry Davis made his appearance but noe person appearing to prosecute or give Evidence to make good the Charge against him he is dismist without day paying Costs.

<*So. Shore Roads.*> On the Motion of Joseph Spruill Overseer of the Roads on the South Shore touching the Roads on that Shore It is Order'd that all persons worke in their Seperate Districts as was formerly Order'd by this Court in October in the Year of Our Lord One thousand Seven hundred and Sixteen.

<73> <*Spiveys. Discharg'd.*> Thomas Spivey Abraham Spivey Benja. Spivey and Jacob Spivey being bound by Recognizance to appear at this Court to answer to Severall presentments made against them by the Grand Jury at October Court One thousand Seven hundred and nineteen for Hogstealing and Breach of the Sabbath which said presentments were putt into form at October Court One thousand Seven hundred Twenty One being Severally call'd to answer the Same made their appearance but noe person appearing to prosecute or give Evidence to make good the Charge against them they are dismist without day paying Costs.

<*Hassell's appearance.*> John Hassell bound by Recognizance to appear at this Court upon his Conviction for Scandalous Words etc. and having assign'd these following reasons in Arrest of Judgment Videlicet.

<*Reasons for Arrest of Judgment.*> That the Words laid in the Indictment and Supposed to be Spoken by the said John were not prosecuted within Six Monthes after the Speaking the Same Words According to the Act of Limitation nor was it prosecuted within the Space of ten dayes According to the form and Effect of an Act for observing the Lords Day And for the Suppressing of Immorality and the prophanation of Gods Name and Word etc. for which Manifest Error the

said John prays that the aforesaid Indictment and Verdict may be Quashed and Sett aside etc.

John Hassell

<*Sentence.*> Which reasons being overul'd the Court pass'd the following Sentence. Videlicet that he should receive thirty nine lashes on his bare back and that he should give Security in the Sum of Fiffty Pounds for his good Behaviour a Year and a day and remaine in the Marshall's Custody till he doe give such Security.

<*Recognizance.*> And the Said John Hassell acknowledged himself indebted to Our Sovereign Lord the King his heirs and Successors in the Sum of Twenty Pounds and Thomas Yates Thomas Mathews and William Yates in the Sum of Ten pounds Each to be levyed on their Severall Goods and Chattells Lands and Tenements etc.

With Condition that if the Said John Hassell Shall and doe well and truly behave himself towards his Majestie and all his leige People for a Year and a Day then the Above Recognizance to be voyd otherwise to Stand and remaine in full force and Virtue.

<74> <*Alexander's appearance. Discharg'd.*> William Alexander being bound by Recognizance to appear at this Court to answer an Indictment found against him by the Grand Jury for Forgery made his appearance and noe person appearing to prosecute Or give Evidence to make good the Charge against him he was discharg'd by Proclamation and dismist without day paying Costs.

<*Palmer and Uxor appearance. Discharg'd.*> Paul Palmer and Joanna his Wife being bound by Recognizance to appear at this Court to an Answer an Indictment found against them by the Grand Jury for being Accessories to a felony committed by One Sambo a Negro Man Slave belonging to Capt. Nicho. Crispe made their appearance and noe person appearing to prosecute Or give Evidence to make good the Charge against them they were dismist without day paying Costs.

<*Palmers appearance. Discharg'd.*> Paul Palmer bound by Recognizance to appear at this Court to make good his reasons Offer'd in arrest of Judgment upon his Conviction for misdemeanour at July Court One thousand Seven hundred and Twenty One made his appearance Upon Which Daniel Richardson Esqr. Attorney General in behalfe of the King came and confesst that the Misdemeanour aforesaid against the aforesaid Palmer he would not prosecute any further Wherefore the said Palmer is dismist without day paying Costs.

<*Palmers Uxor appearance. Discharg'd.*> Joanna Palmer bound by Recognizance to appear at this Court and answer an Indictment found against her by the Grand Jury at October Court one thousand Seven hundred and Twenty for a Rescue of a Negro Man out of the hands of the Constable made her appearance and no person appearing to prosecute Or Give Evidence to make Good the Charge against her she was dismist without day paying Costs.

<*Howcotts appearance. Discharg'd.*> Edward Howcott bound by Recognizance to appear at this Court and An Indictment found against him by the Grand Jury at March Court One thousand Seven hundred and Twenty One for the

Assaulting beating and Bruising One Aaron Oliver made his Appearance but the said Oliver not appearing to prosecute nor any other persons to give Evidences on the behalfe of Our Sovereign Lord the King he was dismist without day paying Costs.

<75> <*Norris appearance. Discharg'd.*> William Norris bound by Recognizance to appear at this Court to answer an Indictment found against him by the Grand Jury for Forging a Deed from Alice and John Billet to Saml. Willson made his appearance and no person appearing to prosecute or give Evidence to make Good the Charge against him he was discharg'd by Proclamation and dismist without day paying Costs.

<*Griffins appearance. Discharg'd.*> George Griffin bound by Recognizance to appear at this Court to answer to Severall matters of Misdemeanour alledged to be committed by him against the Peace etc. made his appearance and Submitted himself to the Court and Severall persons appearing and Speaking in his favour It is Consider'd by the Court and Order'd to be dismist without day paying Costs.

<*Haughton appearance. Fine Suspend'd.*> Mary Haughton Summoned to appear at this Court to answer a presentment of the Grand Jury for Adultery: who appeared by William Haughton her Husband and upon Petition of the said William the payment of the fine of five pounds due from her for the said Offence is Suspended during the Life time of the Said William.[17]

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[*CCR 105*]

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Att a Generall Court held for the Said Province at the Courthouse in Edenton on Queen Annes Creek on Tuesday the 31st. day of July Anno Domini 1722 and continued by Severall Adjournments to the 4th. of August Following. Present Christopher Gale Esqr. Cheif Justice, John Worley, Edmd. Gale, Adam Cockburne, Henry Clayton Esqrs. John Solley, John Cotton, Cullen Pollock, Barnaby Mackinny Esqrs. Assistants.

The Commission from the Lords Proprietors to the Cheif Justice was read and also a Commission from the President and Councill appoynting John Palin Robert West John Worley Edmond Gale Adam Cockburne Henry Clayton John Solley John Cotton Cullen Pollock and Barnaby Mackenny Esqrs. Justices of the Peace and Assistants to the said Cheif Justice Whereupon the abovesaid John Worley Edmd. Gale Adam Cockburne Henry Clayton John Solley John Cotton Cullen Pollock and Barnaby Mackenny Esqrs. took and Subscrib'd the Oaths appoynted by Law for their Qualification and likewise the Oath for the due Execution of their Office.

<*Porter etc.* v. *Blitchenden. Vide page (247) Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid Porter etc. by Thomas Henman their

[17] Following these minutes is a copy of an order from the council on April 5, 1722, issuing a writ of scire facias for former Chief Justice Frederick Jones. It is printed in Saunders, *Colonial Records*, II, 472-473.

Attorney and the said Blitchenden in his own proper Person. And hereupon by the Consent of both parties the Cause is putt in respite till the next Court on the last Tuesday in October next.

<*Chapman* v. *Humphrys. Vide page (247) Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid Chapman by Thomas Henman her Attorney to prosecute her Suite aforesaid against the said Humphrys for the said Sum of Thirty Seven pounds nineteen shillings and eleven pence halfe peny (and the said defendante being Solemnly called came not) and the Marshall having return'd on the Attachment granted last Court (Nulla bona) Whereupon the aforesaid Chapman by her Attorney aforesaid prayed continuance of the Attachment which was Granted returnable to the last Tuesday in October next.

<*Idem* v. *Dun. Vide page (247) Sect. 5.*> And now here at this day (Videlicet etc.) came the aforesaid Chapman by Thomas Henman her Attorney to prosecute her Suite aforesaid against the said Dunn for the said Sum of four thousand Six hundred and Fiffty four pounds of Tobacco and the defendante (being Solemnly called) came not Whereupon the aforesaid Chapman by her Attorney aforesaid prayed Continuance of the Attachment which was Granted returnable to the last Tuesday in October next.

<*Clayton* v. *Bozman. Vide page (248) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Henry Clayton Esqr. to prosecute his Suite aforesaid against the said Bozman for the said Sum of twenty five pounds damage And the defendante (being Solemnly call'd) came not; Whereupon the aforesaid Clayton prayed Continuance of the Attachment which was Granted returnable the last Tuesday in October next.

<*Peirce* v. *Herrington. Vide page (248) Sect. 5.*> And now here at this day (Videlicet etc.) came the aforesaid Thos. Peirce Junior by Tho. Henman his Attorney to prosecute his Suite aforesaid against the aforesaid John Herrington for the aforesaid Sum of Seven pounds [*torn*]teen shillings Sterling and the said Defendante (being Solemnly called) came not. [*Torn*] Consider'd that the Judgement obtained by the said plaintiffe against Roger [*torn*] Marshall of the County of Bath be confirm'd the said Plaintiffe [*torn*] appear to be due pursuant to the directions of the Act of [*torn*] made and Provided etc.

<270> Order'd that the said Roger Kenyon do pay to the said plaintiffe the Said Sum of Seven Pounds and Seventeen shillings Sterling with Costs alias Execution.

It is also further Granted that the Said Marshall do recover of the said Defendante the Said Sum of Seven pounds and Seventeen shillings Sterling as well as the Costs and damages and Charges by reason of the Said Judgement being confirm'd against him for the Defendante's non appearance.

Order'd that the said Defendante do pay to Roger Kenyon Esqr. Provost Marshall of the County of Bath the Sum of Seven pounds and Seventeen shillings Sterling and all Accruing Costs together with four shillings and two pence as a fee by Law allow'd for Judgement passt against him alias Execution.

<*Peirce* v. *Minge. Vide page (249) Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid Thomas Peirce Junior by Thos. Henman his Attorney to prosecute his Suite aforesaid against the aforesaid James Minge for the said Sum of Fifty five Pounds Sterling and the said Minge (being Solemnly called) came not.

It is therefore Consider'd that the Judgement obtained by the Said Plaintiffe against Thomas Harvey Esqr. Provost Marshall of the County of Albemarle be confirm'd the Said Plaintiffe having made his Debt appear to be due Pursuant to the directions of the Act of Assembly in that Case made and Provided etc.

Order'd that the Said Thomas Harvey Esqr. do pay to the said plaintiffe the Said Sum of Fiffty five Pounds Sterling with Costs alias Execution.

It is also further Granted that the said Marshall do recover of the said Defendante the said Sum of Fiffty five Pounds Sterling as well as the Costs damages and Charges by reason of the said Judgment being confirmed against him for the Defendante's non Appearance.

Order'd that the said Defendante do pay to Thomas Harvey Esqr. Provost Marshall of the County of Albemarle the Sum of Fiffty five Pounds Sterling and all accruing Costs together with four Shillings and two pence as a fee by Law allow'd for Judgment passt against him alias Execution.

<*Parris* v. *Minge. Vide page 249 Sect. 2.*> And now here at this day (Videlicet etc.) came the aforesaid Thomas Parris by Thos. Henman his Attorney to prosecute his Suite aforesaid against the aforesaid James Minge for the aforesaid Sum of Ten Pounds Sterling and the Said Minge (being Solemnly called) came not.

<*Execution Issued* v. *Body Febr. 7, 1722.*> It is therefore Consider'd that the aforesaid Thomas Parris do recover against the said James Minge the Sum of Ten pounds Sterling aforesaid with Costs unless the Defendante appear at the next Court to be held on the last Tuesday in October next to answer the aforesaid Plaintiffe till which time day is given to the plaintiffe to make proof of his Debt according to Law. <*Satisfaction made. Testis W. B. Clericus Curiae.*>

<*Courts Opinion about Outlaw.*> Upon Motion of Mr. William Little Attorney at Law The Opinion of Court is (Nemine Contradicenta) that an Outlawry obtained in any Court of Record in Virginia (Cases of Treason and felony Excepted) cannot extend to or be pleadable in this Government So as to disable Such person from Suing or being admitted in any Court herein.

<*Winright* v. *Woodward. Vide page (250) Sect. 2.*> And now here at this day (Videlicet etc.) the aforesaid James Winright (being Solemnly required) came not neither prosecuted his Suite aforesaid. Therefore it is Consider'd of and Order'd that the said Winright may be from hence in Mercy and the Said Woodward may goe without day and that the said Winright pay Costs alias Execution.

<*Fomville* v. *Fullford. Vide* [*torn*] (2 [*torn*].> And now here at this day (Videlicet etc.) came the aforesaid John Fomville Administrator as aforesaid and the said Joseph Fullford by their Attorneys aforesaid and Thereupon by the Consent of both party's the said Cause is put in respite [*torn*] next Court to be held on the lastTuesday in October next.

[*Torn*] And now here at this day (Videlicet etc.) came the aforesaid William [*torn*] Willm. Little his Attorney to prosecute his aforesaid Suite against the said Bennett for the said Sum of [*torn*] And the said Defendante (being Solemnly called) came not Whereupon the aforesaid Havett [*torn*] Continuance of the Attachment which was granted returnable to the next Court on the last Tuesday [*torn*] October next.

<271> <*Curtis* v. *More. Vide page (251) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Curtis by his Attorney aforesaid to prosecute

his Suite aforesaid against the said Edward More And the Defendante in his own proper person came and Said nothing in Barr or Avoydance of the said Action.

<*Execution Issued the 28 Janr. 1722* v. *Body.*> Wherefore It is Consider'd that the Said Foxwell Curtis do recover and have of the said Edward More the Sum of Thirty three pounds Sterling money being the Sum Contained in the Condition of the Said Bond together with four pounds Seventeen shillings and Six pence of the like money Due for the Interest of the aforesaid Sum and Costs of this Suite alias Execution. <*Satisfaction made Febr. 18th 1722.*>

<*Lisle* v. *Bray. Vide page (251) Sect. 3.*> And now here at this day (Videlicet etc.) came the aforesaid Maurice Lisle by William Little his Attorney and prayed discontinuance of his Action aforesaid Wherefore it is Consider'd that the said Bray may go from hence without Day and that the Said Lisle may go in mercy and that he pay Costs alias Execution.

<*Bray* v. *Pursell.*> John Pursell by Thomas Henman his Attorney came into Court without Writt and Confest Judgement to Thomas Bray of Virginia Gentleman for fourteen pounds Sterling money of Great Brittain.

<*Judgement confest.*> Whereupon it is Consider'd that Thomas Bray do recover and have of the Said John Pursell the Sum of fourteen pounds Sterling with Costs alias Execution

<*Cockburnes Oath about Hallsey.*> Adam Cockburne Esqr. appear'd in Court and made Oath that in behalfe of Mrs. Mary Halsey Widow he did pay to John Ormondy's Order thirteen Pounds and ten shillings being part of a Bill for Eighteen pounds due from the said Widow Halsey to the said John Ormondy.

<*Maule* v. *Bray. Vide page (251) Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid Wm. Maule by William Little his Attorney and prayed discontinuance of his Action aforesaid Wherefore it is Consider'd that the Said Thomas Bray may goe from hence without day and that the said Maule may go in mercy and that he pay Costs alias Execution.

<*Logan* v. *Bray. Vide page (251) Sect. 5.*> And now here at this day (Videlicet etc.) came the aforesaid James Logan by William Little his Attorney and prayed Discontinuance of his Action aforesaid. Wherefore it is Consider'd that the said Thomas Bray may goe from hence without day and that the Said Logan may go in mercy and that he pay Costs alias Execution.

<*Butler* v. *Long. Appeall. Vide page (252) Sect. 1.*> Butler v. Thomas Long in Appeall from the Precinct Court of Chowan referr'd for tryall from last Court is now discontinued the said defendante Thomas Long being dead.

<*Butler* v. *Long. Vide Page (252) Sect. 2d.*> And now here at this day (Videlicet etc.) came the afore Said Christopher Butler by his Attorney William Little to prosecute his appeale from a Judgement pass't against him in the precinct Court of Chowan the twentieth day of July One thousand Seven hundred and twenty One at the Suite of the said Joshua Long for five barrells of Porke with Costs. And the Said Joshua (being Solemnly call'd) came not. Wherefore It is Order'd that the said Judgement passed in the precinct Court of Chowan be reversed and annulled; And that the Said Christopher Butler be restored to all that by means of the Said Judgement he lost and that the said Long pay Costs alias Execution.

<*Butler* v. *Wyatt. Vide page (252) Sect. 3.*> And now here at this day (Videlicet etc.) came the aforesaid Christopher Butler by his Attorney William Little to prosecute his Appeal [*torn*] passed against him in the precinct Court of Chowan the twentieth day of July One [*torn*] and twenty One at the Suite of Thomas Wyatt for Eight barrells of Porke [*torn*] Said Thomas Wyatt (being Solemnly called) came not Wherefore [*torn*] Said Judgement passed in the Precinct Court of Chowan be reversed and annulled; And [*torn*] Christopher be restored to all that by means of the Said Verdict he lost and [*torn*] pay Costs alias Execution. <272> <*Butler* v. *Wyatt. Vide page (252) Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid Christopher Butler by his Attorney William Little to prosecute his Appeall from a Judgment passed against him in the precinct Court of Chowan the twentieth day of July One thousand Seven hundred and twenty One at the Suite of John Wyatt for three barrells of Porke with Costs. And the said John Wyatt (being Solemnly called) came not.

Wherefore It is Order'd that the said Judgement passed in the Precinct Court of Chowan be reversed and annulled And that the said Christopher Butler be restored to all that by means of the said Judgement he lost and that the said Wyatt pay Costs alias Execution.

<*Maule* v. *Bray. Vide page (252) Sect. 9.*> And now here at this day (Videlicet etc.) came the aforesaid William Maule by William Little his Attorney and prayed discontinuance of his Action aforesaid Wherefore It is Consider'd that the said Thomas Bray may goe from hence without day and that the said Maule may go in mercy and that he pay Costs alias Execution.

<*Ryordane* v. *Harvey. Vide page (253) Sect. 1. Discontinued.*> And now here at this day (Videlicet etc.) came the aforesaid Dennis Ryordane by Thomas Boyd his Attorney and prayed Discontinuance of his Action aforesaid: Wherefore It is Consider'd that the Said Richard Harvey and Anne his Wife Administrators of the Goods and Chattells of William Stone Deceased may goe from hence without day And that the said Ryordane may go in mercy and that he pay Costs alias Execution.

<*Harrys Evidence.*> Upon the petition of Thomas Harrys praying to be allow'd for his Attendance as Evidence in the said Cause Order'd that the plaintiffe pay the said Thomas Harrys the Sum of twenty five shillings alias Execution.

<*Palin* v. *Jorden. Vide page (253) Sect. 2d.*> And now here at this day (Videlicet etc.) came John Palin Esqr. Aforesaid by his Attorney aforesaid and prayed Discontinuance of his Action aforesaid Wherefore It is consider'd by the Court that the Said Joseph Jordan may go from hence without Day And that the said Palin may go in mercy and that he pay Costs alias Execution.

<*Lundin etc.* v. *Minge. Vide page (254) Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid John Lundin and William Cooke by their Attorney aforesaid to prosecute their Said Suite against the aforesaid James Minge for the Said Sum of Four Pounds Sterling money—and the Said Minge being (Solemnly called) came not.

It is Therefore Consider'd that the Judgement obtained by the said Plaintiffe against Thomas Harvey Esqr. Provost Marshall of the County of Albemarle be confirm'd the said plaintiffe Lundin having made the Debt appear to be due

Pursuant to the directions of the Act of Assembly in that Case made and provided etc.

Order'd that the said Thomas Harvey Esqr. do pay to the Said Plaintiffe's the said Sum of four Pounds Sterling with Costs alias Execution.

It is also further Granted that the Said Marshall do recover of the said Defendante the said Sum of four pounds Sterling as well as the Costs damages and Charges by reason of the Said Judgement being confirm'd against him for the Defendante's non appearance.

Order'd that the Said defendante do pay to Thomas Harvey Esqr. Provost Marshall of the County of Albemarle the Sum of four Pounds Sterling and all accruing Costs together with four shillings and two pence as a fee by Law allow'd for Judgment against him alias Execution.

<*Evans* v. [*torn*].> And now here at this day (Videlicet etc.) came the [*torn*] Philip Evans and the Said Samuel Pritchard by their Attorneys aforesaid Whereupon by the Consent of both parties the Cause is put in respite till the next Court to be held on the last Tuesday in October next.

<273> <*Glover* v. *Harding. Vide page (255) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Charlesworth Glover by Edward Moseley his Attorney and prayed Discontinuance of his Action aforesaid Wherefore It is Consider'd that the said Thomas Harding may go from hence without day And that the said Glover may goe in mercy and that he pay Costs alias Execution. <*Discontinued.*>

<*Ogilby* v. *Roper. Vide page (256) Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid Patrick Ogilby by Thomas Swan his Attorney to prosecute his Said Suite against the aforesaid Thomas Roper for the said Sum of forty Pounds.

<*1st. demurrer.*> And the aforesaid Thomas Roper by Thos. Boyd his Attorney comes and defends the force and Injury when etc. and prays Judgment of the Writt aforesaid because he Saith that the plaintiffe hath declared in the Debet et detinet in his Action upon the Case aforesaid which by Law he ought not to have done and this he is ready to verifie Wherefore the said Roper prayes Judgment and that the Writt aforesaid may abate etc.

<*Leave to amend the Narrative.*> Then the aforesaid Ogilby by his Attorney aforesaid prayed Lycence to amend which was granted upon the payment of ten shillings to the defendante which amendment was made in open Court in haec verba. Videlicet

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Patrick Ogilby of Chowan Precinct Joyner Complaines against Thomas Roper of the Same Precinct Bricklayer of a plea of Tresspass upon the Case and that he render to him the said plaintiffe the Sum of forty Pounds Current money of this Province for Sundry Liquors goods Wares and Merchandizes to the value aforesaid as by a particular Account filed in the Office of this Court and herewith produced bearing date the twenty third day of March One thousand Seven hundred and nineteen did on him self assume and to the said plaintiffe did promise faithfully to pay but the said Defendante not regarding his Promise and Assumption the Same forty pounds hath not payd to the plaintiffe's damage forty Pounds and therefore he brings this Suite etc.

<*2d. Demurrer.*> And the defendante by William Little his Attorney comes and defends the force and Injury when etc. and prays Judgement of the Declaration and Account aforesaid because he Saith that the Articles therein contained as mentioned are not Sufficient in the Law to Support and maintaine his Declaration aforesaid because Severall of the Articles in the said Account are charged generally whereto the Defendante cannot answer nor by Law is held to answer and this he is ready to verifie wherefore the aforesaid the said defendante prayes Judgement thereon and that the said Declaration may abate etc.

<*Over rul'd and same given to plead.*> Which Demurrer being Joyn'd by Thos. Swann the plaintiffe's Attorney and the Arguments on both sides being heard and duly consider'd the said Demurrer is overruled and time is given to the defendante to plead over to the first day of the next General Court on the last Tuesday of October next the Same day is also given to the plaintiffe.

<*Blount* v. *Bonner. Vide page (257) Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid John Blount and the aforesaid Henry Bonner by their Attorneys aforesaid And upon their appearance the Marshall was commanded that he should cause to come etc. twelve etc. by whom etc. who neither etc. and there came Videlicet, John Dew Richard Minsey abraham Hill Wm. Weston John Harloe Edward Howcott Paul Phillips Francis Branch Jno. Cheshire Thos. Yates John Jones Senior David Atkins who between the parties aforesaid being Empannelled and to Say the truth of the premises Elected tryed and Sworne did Say Say upon their Oaths

<*Verdict.*> Wee of the Jury do find for the Defendante.

<*Judgment.*> Therefore It is Granted that the Aforesaid plaintiffe take nothing by his Bill aforesaid but that he be in mercy for his false Clamour etc. and the aforesaid Defendante be thereof without damage etc. and the plaintiffe pay Costs alias Execution.

<*Howcott* v. *Oliver. Vide page (257) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Edward Howcott by his Attorney aforesaid and pray'd Discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore it is Consider'd that the Said Oliver may goe from hence without day and that the Said Howcott may goe in Mercy and that he pay Costs alias Execution.

<*Howcott* v. *Oliver. Vide page (258) Sect. 1.*> And now here at this day (Videlicet etc.) Came [*torn*] Howcott by his Attorney aforesaid to prosecute his Said Suite against the aforesaid [*torn*] aforesaid; And the Said Oliver by Thomas Boyd his Attorney Appear'd [*torn*] other Pleas by Consent of both parties the Matter in Equity is referr'd to the [*torn*].

<*Judgment.*> Wherefore [*torn*] that the said Howcott do recover and have of the said Oliver the Sum of Eleven Pounds and [*torn*] Costs alias Execution. Execution Issued v. Goods etc. Janr. 8: 1722. Testis W. B. Clericus Curiae .

<274> <*Cockburne* v. *Mears. Vide page (258) Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Adam Cockburne etc. by William Little their Attorney aforesaid and prayed discontinuance of their Action aforesaid.

<*Discontinued.*> Wherefore It is Consider'd that the Said Mears may goe from hence without day and that the said plaintiffe's may goe in Mercy and that they pay Costs alias Execution.

<*Palin* v. *Palmer. Vide page (259) Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid James Palin by his Attorney aforesaid to prosecute his said Suite against the said Paul Palmer. And the said Defendante (being Solemnly called) came not.

Whereupon the plaintiffe prayed that a Writt of Inquiry may be granted according to the directions of an Act of Assembly in that Case made and provided.

<*Writt Inquiry.*> Order'd that a Writt of Inquiry be Granted him returnable the first day of the next Generall Court.

<*Gale etc. Executors* v. *Everenden. Vide page (259) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Edmd. Gale Esqr. etc. Executors as aforesaid by their Attorney William Little to prosecute their Said Suite against the said Everenden.

<*Judgment Confest.*> And the said Defendante comes and Confesses etc. for the Sum of Seven pounds wherewith the plaintiffes aforesaid (being content).

<*And Satisfied.*> It is therefore Consider'd that the said Gale etc. Executors shall recover and have of the said Everenden the Sum of Seven pounds with Costs which Said Sum together with the Costs being paid in Court to the said Plaintiffs the said Defendante of the Damages and Costs aforesaid is acquitted etc.

<*Clayton* v. *Charroons. Vide page (260) Sect. 1. Issue.*> And now here at this day (Videlicet etc.) came the aforesaid Henry Clayton Esqr. by his Attorney aforesaid to prosecute his Said Suite against the said charoons And the Defendante's by Thomas Swann their Attorney appeared and for plea Say they are Not Guilty and for tryall thereof putts themselves upon the Country And the Plaintiffe in like manner.

Whereupon the Marshall was Commanded that he should Cause to come etc. twelve etc. by whom etc. who neither etc. and there came Videlicet John Jorden Richard Minsey William Weston Edward Standen Saml. Patchet Thomas Luton William Bonner John Symonds Paul Phillips James Ward Orlando Champion and Henderson Luton who between the parties aforesaid being Impannelled and Sworne did Say upon their Oaths <*Verdict*> Wee of the Jury do find for the plaintiff thirteen Pounds and Ten shillings.

<*Judgment Satisfied.*> It is Therefore Consider'd that the said Henry Clayton Esqr. recover and have against them the said Defendante's the Sum of thirteen Pounds and ten shillings and the said Clayton in his proper person confesseth himself to be Satisfied of the damages aforesaid therefore the Said Charroons of the said Damages are acquitted.

<*Harrys* v. *Commander. Vide page (260) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Harrys and the aforesaid Commander by their Attorneys aforesaid and hereupon by the Consent of both parties the said Cause is put in respite untill the next Court the last Tuesday in October next. <*Continued.*>

<*Ogilby* v. *Young. Vide page (261) Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid Ogilby and the aforesaid Young by their Attorneys aforesaid and hereupon by the Consent of both partys the Said Cause is put in respite untill the next Court the last Tuesday in October next. <*Continued.*>

<*Gale* v. *Durant. Vide page (261) Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Gale and the aforesaid Durant by their Attorneys

aforesaid and hereupon by the Consent of both parties the said Cause is putt in respite untill the next Court the last Tuesday in October next. <*Continued.*>

[*Torn*] And now here at this day (Videlicet etc.) Came the aforesaid Badham by Willm. Little his Attorney aforesaid to prosecute his Said Suite against the aforesaid Conden And the Said Conden (being Solemnly called) came not Whereupon the plaintiffe prayed that a Writt of Enquiry may be granted according to the directions of an Act of Assembly in that Case made and provided, Order'd that a Writt of Enquiry be Granted him returnable [*torn*] the first day of the next Generall Court.

<275> <*Hastings* v. *West. Vide page the (262) Sect. 2d.*> And now here at this day (Videlicet etc.) came the Said Hastings and the said West by their Attorneys aforesaid And hereupon by the Consent of both party's the Said Cause is putt in respite untill the next Court the last Tuesday in October next. <*Continued.*>

<*Allen* v. *Palmer. Vide page (263) Sect. 1.*> And now here at this day (Videlicet etc.) came the Said George Allen by his Attorney aforesaid to prosecute his Said Suite against the said Palmer And the said Defendant (being Solemnly called) came not, according to the rule heretofore made for his appearance etc.

<*Judgement.*> Whereupon It is Consider'd that the Said George Allen recover and have of the said Paul Palmer the Sum of five pounds Seven shillings and Six pence Virginia money and three hundred and thirty five pounds of Tobacco with Costs alias Execution.

<*Hastings* v. *Buckley. Vide page (263) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Hastings by his Attorney aforesaid to prosecute his Said Suite against the Said Buckley

And the Attachment heretofore Granted being return'd Nulla Bona, and the Defendante also failing to appear the plaintiff waived his Attachment and prayed that an alias Capias might be Issued which was Granted.

<*Allen* v. *Ogilby. Vide page (264) Section 1.*> And now here at this day (Videlicet etc.) came the aforesaid Allen by his Attorney aforesaid to prosecute his Said Suite against the Said Ogilby.

<*Issue.*> And the said Defendante comes by Danll. Richardson his Attorney and defends the force and Injury when etc. and for plea Says Nil Debet which Issue being Joyn'd by plaintiffe.

<*Verdict.*> Thereupon the Marshall was comanded that he Should cause to come etc. and there came twelve etc. by whom etc. who neither etc. and there came Videlicet John Dew Richard Minsey Abraham Hill Robert Reddick William Weston Paul Phillips William Haughton John Harloe Luke White Edward Standin Patrick Lawley and Owen Macdaniel who between the parties aforesaid being impannell'd and Sworne did Say upon their Oaths, Wee of the Jury find for the plaintiffe Seventeen pounds nine Shillings and three pence.

<*Judgement.*> It is therefore Order'd that the Said George Allen do recover and have against the Said Patrick Ogilby the Sum of Seventeen pounds nine Shillings and three pence with Costs alias Execution.

<*Allen* v. *Smith. Vide page (264) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Allen by his Attorney aforesaid to prosecute his Said Suite against the Said Smith,

<*Judgment Confest.*> And the said Defendante in his own proper person comes and confesses etc. for the Sum of three pounds Fifteen Shillings and Eleven pence halfpeny Virginia money wherewith the said Allen (being content)

<*Judgment.*> It is Order'd that the Said Allen recover and have of the Said John Smith the Said Sum of three pounds Fifteen Shillings and Elevenpence half peny Virginia money with Costs alias Execution.

<*Patchet* v. *Bonner. Vide page (265) Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid Saml. Patchet by his Attorney aforesaid to prosecute his Suite against the said Bonner.

<*Eason Appearance.*> Then Came into Court Mary Eason and prayed to be admitted Defendante and that her name May be inserted instead of the Casuall Ejector which was allow'd by the Consent of the Attorneys for the Plaintiff and Defendante And the Said Mary Eason confesst Lease Entry and Ouster, and pleaded the General Issue which was joyn'd by the plaintiffe.

<*Hill* v. *Eason.*> Whereupon the Said Mary Eason by her Attorney Edwd. Moseley prayeth Lycence to Imparle untill the next Generall Court and She hath it; the Same day is also given to Abraham Hill who by Consent of the Attorney aforesaid is admitted plaintiffe to the said Action.

<*Little* v. *Casewell. Vide page the (265) Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid William [*torn*] his own proper person and prayed Discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore it is [*torn*] the Said Casewell may goe from hence without day and that the said Little [*torn*] and that he pay Costs alias Execution.

<276> <*Little* v. *Ludiford. Vide page (266) Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid Wm. Little in his own proper person and prayed Discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore it is Consider'd that the said Luddiford may go from hence without day and that the said Little may goe in mercy and that he pay Costs alias Execution.

<*Brett* v. *Everenden. Vide page (266) Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid Brett by his Attorney aforesaid to prosecute his Said Suite against the Said Everenden.

<*Dismist.*> And the said Everenden by Thomas Swann his Attorney appear'd and waiving all other pleas by Consent of both parties the matter in Equity is referred to the Court Wherefore it is Consider'd that the Said Everenden may go from hence without day and that the said Brett may goe in mercy and that he pay Costs alias Execution.

<*West* v. *Batchelor. Vide page (266) Sect. 7.*> And now here at this day (Videlicet etc.) Came the aforesaid West by his Attorney aforesaid to prosecute his Said Suite against the said Batchelor for the Sum of twenty three pounds and Sixteen Shillings Sterling; And the defendante being (Solemnly called) came not; Whereupon the aforesaid West prayed Continuance of the attachment, which was Granted, returnable to the next Court on the last Tuesday in October next. <*Continued.*>

<*Ellison* v. *Frank. Vide page (267) Sect. 1.*> And now here at this day (vide-

licet etc.) Came the aforesaid Ellison by his Attorney aforesaid to prosecute his Said Suite against the Said Frank;

<*Judgment Conffest.* [*Issued*] *the 9th febr. 1722.*> And the Said Defendante by Thomas Boyd his Attorney comes and Confesses etc. for the Sum of thirty five pounds Seventeen Shillings and Eleven pence half peny Sterling (wherewith the said Ellison being Content) It is therefore Order'd that the Said Ellison do recover and have of the said Martin Frank the said Sum of Thirty five pounds Seventeen shillings and Eleven pence halfpeny Sterling with Costs alias Execution. Satisfaction made. Testis W. Badham Clericus Curiae Generallae the 7th March 1722.

<*Lovick Assignee* v. *Speir.*> Lovick Assignee of David O'Sheall against John Speir. Attachment discontinued at the prayer of the plaintiffe.

<*Idem* v. *Eundem.*> Lovick Assignee of David O'Sheall v. Speir Debt. Discontinued at the request of the plaintiffe.

<*Comander* v. *Bateman.*> Comander v. Bateman Debt, dismist no Declaration being filed.

<*Barcliff* v. *Bateman.*> Thomas Barecliff of Perquimons Precinct comes to prosecute his Suite against Johnathan Bateman in a plea of Debt for the Sum of Six pounds Sterling money of Great Brittain due by Obligation Dated the twelfth day of August One thousand Seven hundred and Eighteen payable to the plaintiffe and here in Court produced etc.

<*Judgment Confess't.*> And the Defendante in his own proper person came and Confesst etc. for Six pounds Sterling money; It is therefore consider'd that the said Thomas Barecliff recover and have against the said Jonathan Bateman the aforesaid Sum of Six pounds Sterling and Costs with Stay of Execution till the next Generall Court on the last Tuesday of October next and the Plaintiff is therewith content.

<*Cooke* v. *Tully.*> Thomas Cooke Complains against Thomas Tully of Bath County in Custody etc. of a plea that the defendante Should render to the plaintiffe the Sum of Twenty pounds for that Videlicet that Whereas in and by an Act of Assembly Intituled an Act concerning Servants and Slaves ratifyed at a Bienniall Assembly holden at the house of Capt. Richard Sandersons in Little river begun on the Seventeenth of November One thousand Seven hundred and Fifftcen and continued by Adjournments till the nineteenth day of Janry. following Among other things it is Enacted that if any person or persons Shall harbour or entertain any runaway Servant or Slave above One night he and they So Offending Shall for every four and twenty hours afterwards forfeit and pay the Sum of Ten shillings to the Master or Mistress of Such Servant or Slave together with all Costs losses and damages which the Master or Mistress Shall Sustain by reason of Such entertaining or Concealing to be recover'd in any Court of Record of this Government. Now the plaintiffe in fact Saith that One Richard Robbins a white man his Indented Servant did run away from him Sometime in Novemr. last and came to the house of the Defendant on the Sixth day of Decemr. last and was by him harbour'd entertained and concealed till the twenty fiffth day of the same Month being Eighteen days and further that the said Plaintiffe was at great Cost and Charge after the Said runaway and Particularly gave the Defendante a reward

of fiffty shillings and other Charges and Expences was at [*torn*] also lost his Service during the said Eighteen Dayes by his being concealed whereby Action hath [*torn*] to the plaintiffe to have and recover of the Defendante the Said Ten Shillings per Day <277> being nine pounds and for loss of Service Eighteen days at five shillings per day the Sum of four pounds and ten shillings and for Cost and Charges Expended Six pounds and ten Shillings in the whole the Sum of Twenty pounds which he the Defendante unjustly denyes to the plaintiffe to pay tho' often required to the plaintiffs damage twenty Poundes and therefore he brings this Suite etc.

William Little Per Plaintiffe

And the Said Tully (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the Said Tully's appearance as he by Law ought to have done Wherefore the Plaintiff was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendant's Estate.

<*Order* v. *Marshall.*> And the Plaintiffe aforesaid making Choyce of an Order against the Marshall It is therefore Order'd that the said Marshall of Bath County have the Body of the said Defendante at the next General Court to answer to the aforesaid Plaintiff Otherwise Judgment to be confirm'd against the said Marshall for the said Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Said Defendante's Estate for the Debt and Costs aforesaid So as to compell him to appear and answer at the next Court. Which is Granted.

Doyck v. Franck, Trover, attachment, return'd agreed.

Idem v. Eundem Case. Return'd agreed.

Mason v. Grindall Tresspass on the Case return'd agreed.

Idem v. Eundem Tresspass on the Case. Return'd agreed.

<*Pugh Assignee* v. *Robinson.*> Francis Pugh of Nansimond County in Virginia Merchant (assignee of John Pugh) is Plaintiff and William Robson (alias dictus) William Robinson late of the same County is Defendante in a plea of Debt etc.

And the said plaintiffe by Thos. Swann his Attorney demands of the said Defendante that he do render to him the sum of Sixteen barrells of Tarr and nine pence which to the Plaintiffe he oweth and from him unjustly detaineth for that Whereas the Said Defendante on the Eighteenth day of Septemr. One thousand Seven hundred and Seventeen by his certain Bill Obligatory Signed by the said Defendante whose Date is the same Day and Year aforesaid which Bill is filed in the Office of this Court became indebted to one John Pugh in the said Sum of Sixteen barrells of Tarr and nine pence to be paid to the said John his heires or Assignes when he the said Defendant Should be thereunto requested yet nevertheless the said Defendant the said Sum of Sixteen barrells of Tarr and nine pence to the said John did not pay nor to this plaintiffe Since the Assignment of the said Obligation he hath not paid but the same to pay hath and doth Still refuse tho' often thereunto requested whereupon the Plaintiff Saith he is damnifyed twenty Pounds Sterling and thereupon he brings this Suite etc.

Thos. Swann Per Plaintiff

And the said Robinson (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Robinson's appearance as by

Law he ought to have done; Wherefore the Plaintiff was put to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an attachment against the Defendante's Estate. And the plaintiffe aforesaid making Choyce of an Order against the Marshall

<*Order* v. *Marshall*> It is therefore Order'd that the Provost Marshall of Albemarle County have the Body of the Defendant at the next General Court to answer to the aforesaid plaintiff Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court Which was Granted.

<*Badham* v. *Hazard.*> William Badham Complains against Roger Hazard in custody etc. of a plea that he the said Defendante unto him the said plaintiffe the Sum of Sixty Pounds which he the said Defendant [*torn*] and unjustly detains etc. Videlicet the twenty first day of March One thousand Seven hundred [*torn*] Chowan in the province aforesaid due by Obligation under the Defendantes hand dated the Same day [*torn*] in Court produced etc.

And the said Roger Hazard (being Solemnly called) [*torn*] did the Marshall make returne of Bond or Security taken for the said Hazard [*torn*] <278> as by Law he ought to have done Wherefore the Plaintiff was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an attachment against the Defendants Estate.

<*Order* v. *Marshall.*> And the Plaintiff aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the said Provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid Plaintiffe Otherwise Judgement to be Confirm'd against the said Marshall for the said Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendant for the Debt and Costs aforesaid So as to compell him to appear and answer etc. at the next Court Which was Granted.

<*Powell* v. *Burnell.*> John Powell by Edward Moseley his Attorney Comes to prosecute his Suite against John Burnell in a plea of Tresspass on the Case for forty Pounds Current money of North Carolina due by Account here in Court produced etc.

<*Judgement Confesst.*> And the Defendante in his own Proper person came and confest etc. for the Sum of thirty nine pounds Eighteen shillings and three pence of like money of No. Carolina wherewith the said Powell being Content.

It is therefore Order'd that the Said John Powell do recover and have against the said Burnell the aforesaid Sum of thirty nine pounds Eighteen shillings and three pence Current money of North Carolina and Costs with Stay of Execution till the next Generall Court on the last Tuesday in October next.

Jenkins v. Northey Case. Executed. Discontinued at the request of the plaintiff.

Northey v. Jenkins Case. Executed and Discontinued at the request of the plaintiffe.

Roper v. Barnes Case. Non est inventus. Discontinued at the request of the plaintiffe.

Bray v. Maule Case Executed. Discontinued at the request of the Plaintiff.
Ansley v. Alden Case. Executed, Dismist (no Declaration being filed).
Idem v. Eundem Case Executed—Dismist (no Declaration being filed).

<*Howett* v. *Crossby.*> William Howett by Thomas Henman his Attorney comes to prosecute his Suite against John Crosby of Chowan Precinct Planter in Custody etc. of a Plea that he the said Defendant render unto him the said Plaintiff the sum of Two hundred Pounds Sterling which he the said Defendant owes and unjustly detaines from him the said plaintiff the Same being due by Obligation under the Defendants hand and Seale Dated the twenty first day of Janry. One thousand Seven hundred and twenty payable to the plaintiff and here in Court produced which the Defendante hath not paid nor any part thereof altho' often thereunto required to the plaintiffe's damage two hundred pounds Sterling etc.

And the Said John Crosby (being Solemnly called) came not Whereupon the Marshall making returne of John Smith Security for the Said Crossby as by the Baile Bond produced here in Court appeareth And the Plaintiff aforesaid was put to his Choyce either to have an Order against the Security with Stay of Execution till next Court; Or an Attachment against the said Defendante's Estate —And the Plaintiff aforesaid making choyce of an Order against the Security.

<*Order* v. *Security.*> Judgement is therefore Granted against the said Smith for the Said Sum of two hundred Pounds Sterling with Stay of Execution till next Court.

Whereupon It is further Order'd that the said Smith have the Body of the said Crosby at the next Generall Court to answer the aforesaid Plaintiff Otherwise Judgement to be confirm'd against the said Smith for the said Debt with Costs.

<*Ogilby* v. *Ross.*> Patrick Ogilby Complaines against William Ross in custody etc. of a plea of Tresspass on the Case for that he the said Defendante Stands Justly indebted to him the said Plaintiff the Sum of five Pounds which he the said Defendante oweth and unjustly detaineth from him the said plaintiffe Videlicet the Fiffth day of May One thousand Seven hundred and Twenty two at the precinct of Chowan in the Province aforesaid the Same being due by Account dated the Same day and year and here in Court produced etc.

And the Said William Ross (being Solemnly called) came not nor [*torn*] the Marshall make returne of Bond or Security taken for the said Ross's appearance as by Law he ought to have done Wherefore the plaintiffe was put to his Choyce [*torn*] to have an Order against the Marshall with Stay of Execution till the <279> next Court; Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the Plaintiff aforesaid making Choyce of an Order against the Marshall It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid Plaintiff otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid So as to compell him to appear and answer etc. at next Court Which was Granted.

Cockburne v. Sale Attachment return'd Agreed.

<*Moone* v. *Johnstone.*> Jasper Moone by William Little his Attorney Comes to prosecute his Suite against John Johnstone late of the City of New Yorke now of Pascotank precinct in custody of the Marshall etc. of a plea that the said Defendant Should render to the plaintiff the Sum of Ten Pounds and Eighteen Shillings and Eleven pence Sterling Videlicet on the twenty ninth of April One thousand Seven hundred and Eighteen for freight and Carriage of Goods and Passage as by the Account thereof in Court produced he the defendant the said Summ to the plaintiffe assumed to pay Yet nevertheless the defendant aforesaid his Assumption aforesaid not regarding the Said Sum due as aforesaid to the plaintiffe hath not paid but Still unjustly neglects and refuses to pay the same tho' often requested to the plaintiffes damage twelve pounds Sterling and therefore he brings this Suite etc.

W. Little per Plaintiff

<*Issue.*> And the said Defendante by Thomas Swann his Attorney comes and defends the force and Injury when etc. and for plea Saith, Non Assumpsit.

<*Discontinued.*> Which Issue the plaintiffe Joyn'd but not being provided with Sufficient Evidences and Vouchers to prove his Debt he prayed leave to discontinue his Said Suite. Which was Granted.

<*Howett* v. *Singleton.*> William Howett by Thomas Henman his Attorney comes to prosecute his Suite against James Singleton of Bath County in Custody of the Marshall etc. of a plea that he the said defendant render unto him the said plaintiff the Sum of twenty two pounds and ten shillings which he the said Defendant owes and unjustly detaines from him the Said plaintiffe the Same being due by Account here in Court produced which the defendant hath not paid nor any part thereof tho' often thereunto required to the plaintiffe's damage twenty two pounds ten shillings and therefore he brings this Suite etc.

And the Said Singleton being Solemnly called came not And the Marshall having made returne that he had left a Copy of the Writt and declaration at the defendante's house as directed by the Act of Assembly in that Case made and provided.

<*Attachment.*> It is therefore Granted at the Plaintiff's Motion that an Attachment be Issued out against the Goods and Chattells of the said Singleton thereby to compell him to appear and Answer the suite of the said Howett returnable to the next Court to be holden at Edenton on Queen annes Creek the last Tuesday in October next.

<*Ward* v. *Haughton.*> William Haughton of Chowan Precinct was attach't to answer James Ward of the same precinct of a plea why with force and Armes the Close Plantation and land of the said plaintiffe he enter'd and the trees thereon Standing and growing did grubb up Cast down and destroy and other Enormitys to him he offered to the great damage of him the said plaintiffe and against the publick peace etc.

And whereupon the said Plaintiff by Thos. Swann his Attorney doth Complain that the aforesaid defendante the twentyeth day of february One thousand Seven hundred and twenty by force and armes the Close plantation and land of him the said plaintiffe at Chowan aforesaid did break and Enter and by force and armes on the Same continued from the twentieth day of february untill the tenth day of

March the [*torn*] following and the trees thereon Standing and growing that is to Say twenty [*torn*] timber trees Fifty Hickorys and Six Growne Pine Trees of the value of [*torn*] then and there with certain men and Servants Carts and Oxen the same did [*torn*] from of the said Land and other Enormities to the plaintiffe he then and there [*torn*] <280> against the peace of Our Sovereign Lord the King that now is and to the dammage of him the said Plaintiff the sum of One hundred pounds Sterling and thereupon this Suite is produced etc.

And the said Haughton (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Defendantes appearance as by Law he ought to have Done Wherefore the Plaintiff was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the defendante's Estate.

<*Order* v. *Marshall.*> And the Plaintiffe aforesaid making choice of an Order against the Marshall It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendant for the Debt and Costs aforesaid So as to compell him to appear and answer etc. at the next Court, Which was Granted.

<*Outlaw* v. *Roundtree and Lawley.*> Thomas Roundtree and Patrick Lawley of the precinct of Chowan Planters were attached to answer Edward Outlaw of a plea why by force and arms Upon the said Edward they made an Assault and him beat wounded and imprisoned and evily handled and him there in Prison a long while did keep and other Injuries to him they offered to the damage of the said Edward and against the peace of our Sovereign Lord the King etc. And whereupon the said Edward by Thos. Swann his Attorney Complaines That they the aforesaid Thomas and Patrick the fourth day of November One thousand Seven hundred and twenty One by force and armes (Videlicet) with Swords Staves knyves and Cudgells upon the Said Edward at Chowan in the Province aforesaid did make an Assault and him beat wounded Imprisoned and Evil handled and him So Imprison'd and Evill handled for a long time detained (that is to Say) by the Space of Eight hours then next following and other Injuries to him they did against the Peace of Our Sovereign Lord the King that now is and to the damage of the said Edward Two hundred Pounds Sterling and thereupon this his Suit is produced etc.

Tho. Swann per plaintiff

<*Plea. Issue.*> And the Said Defendantes by William Little their Attorney comes and defends the force and Injury when etc. and for plea Says Not Guilty and for tryall thereof putts themselves upon the Country And the Plaintiff in like manner.

<*Verdict.*> Whereupon the Marshall was commanded that he Should cause to come etc. twelve etc. by whom etc. who neither etc. and there came Videlicet Joshua Turner John Johnston Henderson Luton Aaron Blanchard Thos. Luton Junior Henry Bonner Francis Branch Edward Standen Samuel Patchett John Symonds Orlando Champion and Jonath. Hipps who between the parties afore-

said being Impannell'd and Sworne did Say upon their Oathes Wee of the Jury find for the plaintiffe twenty five pounds damages against Thomas Roundtree and that the other Defendante Patrick Lawley is not Guilty.

<*Judgment.*> It is therefore Consider'd by the Court that the said Outlaw recover and have against the said Roundtree the said Sum of twenty five pounds with Costs. And that the Said Lawley may goe from Hence without day and that the said Outlaw go hence in mercy and that he pays the said Lawley his Costs.

<*Motion in Arrest etc.*> And thereupon the Said Thomas Roundtree by William Little his Attorney Moved to the Court that the said Proceedings and Judgment thereon being Erroneous he might have day assigned to be heard thereon according to an Act of Assembly in that Case made and provided.

Whereupon It is Order'd by the Court that the first day of the next Generall Court be assign'd for hearing and determining Such Errors and that Judgement be Stayed Accordingly and both parties were then Notified thereof and further Order'd by the Court that the said Roundtree or his Attorney do file Errors Fiffteen days before the first day of the next Generall Court and that [*torn*] Serve the said Outlaw or his Attorney with a Copy thereof.

<281> On the Petition of Jeremiah Maglehan and Luke White praying to be allow'd for their Attendance etc. in the said Cause of Outlaw v. Roundtree.

<*Evidence allow'd.*> It is Order'd by this Court that the Said Roundtree do pay each of them for four days Attendance ten shillings and twenty pence more to Luke White for his Coming to and going from Court.

<*Badham* v. *Brownlow.*> William Badham by his Attorney Thomas Henman comes to prosecute an Originall Attachment granted to him by Christopher Gale Esqr. Cheif Justice against the Estate of James Brownlow for the Sum of Nine Pounds returnable to this Court Wherein the Said William Complaines that Whereas the said Joseph Brownlow oweth to him the said William the plaintiffe and detaineth the Sum of Seven Pounds ten shillings due for One Cable Sold and Deliver'd to him the said Brownlow on the twenty eighth day of Aprill at Chowan aforesaid anno Domini One thousand Seven hundred and twenty two to the damage of the said William nine pounds and that the said Brownlow hath withdrawn himself out of this Government etc.

Which Attachment being return'd Executed by Chr. Haidelbergh Deputy Marshall to Thos. Harvey Esqr. Provost Marshall of Albemarle County in the hands of Henry Clayton Esqr.

<*Judgment by default.*> And the Defendante being Solemnly called came not, and for default of the Defendantes appearance It is Consider'd that unless the Defendante do appear at the next Court to answer the said Plaint Judgement shall be then affirm'd for the plaintiffe that he have and recover of the Defendante the said Nine Pounds he making proof that the same is due according to the Act of Assembly in that Case made and provided.

<*Moseley* v. *Bernard.*> Edward Moseley of Chowan Precinct Gentleman in his own proper person comes to prosecute his Suite against Samuel Bernard of Pasquotank Precinct in Custody of the Marshall etc. of a plea that he the said Defendante render unto him the said plaintiffe four thousand and five hundred merchantable white Oak Hogeshead Staves which he the Said Defendante oweth

and unjustly detaineth from him the said Plaintiffe Videlicet the third day of May One thousand Seven hundred and twenty due by Bill at Chowan in the Province aforesaid dated the same day and year and here in Court produced etc.

And the Said Bernard (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the Said Defendante's Appearance as by Law he ought to have done. Wherefore the Plaintiff was put to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the Plaintiff aforesaid making Choyce of an Order against the Marshall It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe otherwise Judgment to be confirmed against the Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the Said Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court Which was Granted.

Palin v. Butler Case. Return'd agreed.

<*Porter* v. *Francis.*> John Porter of Bath County Merchant is plaintiff and William Francis of Bridgewater in the County of Somerset in Great Brittain Merchant is Defendante in a plea of the Case etc.

And the said Plaintiff by Edward Moseley his Attorney complaines that Whereas the aforesaid Defendant the tenth day of September One thousand Seven hundred and fourteen was indebted to the said Plaintiff in Sixteen Pounds four shillings and Six pence Sterling money of Great Brittaine an Account of which is filed in the Office of this Court and being So indebted the said Defendante afterwards that is to Say the said tenth day of Septr. One thousand Seven hundred and fourteen upon himself did Assume and to the plaintiffe faithfully promise that the aforesaid Sixteen Pounds four shillings and Six pence Sterling he would to the Plaintiff well and truly content and pay: Yet the aforesaid Defendant his Promise and Assumption aforesaid [*torn*] the aforesaid Sixteen Pounds four shillings and Six pence Sterling to the Plaintiff hath not paid [*torn*] Same to pay hath and doth Still refuse tho' often thereunto required By which [*torn*] all the Gaine Commoditys and Profitts which he with the aforesaid Sixteen [*torn*] <282> four Shillings and Six pence Sterling in buying Selling and lawfully bargaining could have had or gained if the Defendante his Promise and Assumption aforesaid in forme aforesaid had performed utterly lost. Whereupon the said plaintiffe Saith he is the worse and hath damage to the Value of Eighty Pounds and hereof he bringeth Suite etc.

E. Moseley per Plaintiff

And Chr. Heidelbergh Deputy to Thos. Harvey Esqr. Provost Marshall of the County of Albemarle having made returne thereof (non est inventus) And the Defendant (being also Solemnly called) came not.

<*Attachment.*> Therefore It is Granted that the Marshall do Attach the Goods and Chattells of the said Defendant So as to Compell him to appear at the next Court on the last Tuesday in October next to answer the Plaint aforesaid at the Motion of the said plaintiffe.

<*Bray* v. *Lanier.*> Thomas Bray Esqr. by Edwd. Moseley his Attorney comes to prosecute his Suite against Robert Lanier for that he the said defendante Should render unto him the Said Plaintiff his reasonable Account of the time the said Robert was the receiver of the money Goods and Merchandizes of him the said Plaintiff he the said Robert to witt the twenty first day of May One thousand Seven hundred and nineteen having been Receiver of the Plaintiffs money goods and Merchandize from the said twenty first day of May in the Year aforesaid untill the Sixteenth day of June One thousand Seven hundred and twenty two and in and by the Same at the same time had received of the moneys Goods and Merchandizes of him the Said Plaintiff by the hands of James Curlee Seventeen barrells of Pitch and Divers other Goods to merchandize and make profitt thereof for him the said plaintiffe and to render a reasonable Account to the said plaintiff of the time Issues and profitts of the moneys and merchandizes aforesaid when he the said Robert should be thereunto requested and yet the said Robert tho' often requested hath not render'd his reasonable Account but the same doth deny and refuse to the plaintiffes damage Seventeen Pounds Sterling and therefore he brings Suite etc.

<*Judgement Confest.*> And the said Defendante comes and confesses etc. for the Sum of Eight Pounds where with the Plaintiff aforesaid being Content It is therefore Consider'd that the said Thos. Bray do recover and have against the said Robt. Lanier the said sum of Eight Pounds and Costs with Stay of Execution till the twenty fiffth day of December next. <*Issue* v. *Body febr. 19th: 1722.*>

<*Bray Assignee* v. *Bradley.*> Thomas Bray Esqr. by Edwd. Moseley his Attorney comes to prosecute his Suite as Assignee of John Froman against Henry Bradley in Custody etc. in a plea of Debt for the Sum of Eight Pounds in Bills due by Bill to the said Froman and by Assignment became payable to the Plaintiffe dated the twenty fourth day of June One thousand Seven hundred and Sixteen and here in Court produced etc.

And the said Defendante comes in his own proper person and Conffesses etc. for the Sum of Eight Pounds wherewith the plaintiffe being Content

<*Judgment Confest.*> It is therefore Consider'd that the said Thos. Bray Assignee of John Freman aforesaid do recover and have against the Said Henry Bradley the said Sum of Eight pounds in Bills and Costs with Stay of Execution till the next Court on the last Tuesday in October next.

<*Pugh Assignee* v. *Cannady.*> Francis Pugh of Nansimond County in Virginia Merchant Assignee of John Pugh is Plaintiff and Alexander Cannadey alias dictus Alexandr. Cannadey late of the same County is Defendant in a plea of Debt etc.

And the said Plaintiff by Thomas Swann his Attorney demands of the said Defendant that he doe render to him the Sum of four hundred and Sixty Pounds of Tobacco or the value thereof in Tarr which to the plaintiffe he oweth and from him unjustly detaineth for that whereas the said Defendant on the Eighth day of Janry. One thousand Seven hundred and Seventeen by Certain Bill Obligatory Sign'd by the Said Defendant whose Date is the Same day and year aforesaid which Bill is filed in the Office of this Court became indebted to One John Pugh in the said Sum of four hundred and Sixty pounds of Tobacco or the value thereof

in Tarr to be pd. to the said John his heirs or Assignes when he the said Defendante Should be thereunto requested; Yet nevertheless the said Defendant the said Sum of four hundred and Sixty Pounds of Tobacco or the value thereof in Tarr to the said John did not pay nor to this plaintiff Since the payment of the said Obligation he hath not pd. but the Same to pay hath and doth Still refuse tho' often thereunto requested whereupon the plaintiff Saith he is damnifyed four pounds Sterling and there upon he brings this Suite etc. And Chr. Heidelbergh Deputy Marshall having made returne (non est inventus) Therefore It is Granted that the Marshall do Attach the Goods and Chattells of the said Defendant [*torn*] compell him to appear at the next Court to answer the plaintiff aforesaid.

<283> Mathews v. Smith Debt—return'd Agreed.

<*Harrys* v. *Hendricks.*> Thomas Harrys by William Little his Attorney Complaines against Thos. Hendricks etc. of a plea that the Defendante Should pay and render to the plaintiffe the Sum of Ten pounds and four shillings and ten pence for that to witt that whereas the Said Thomas the Defendant being indebted to the said Thos. the plaintiff for Court Fees while the plaintiffe was Clerk and Marshall of the Court at Craven and for money lent the Defendant and paid for him Amounting in the whole to twenty two pounds four Shillings and tenpence as by the particular Account thereof in Court produced appears which Sum he the defendant assum'd to the plaintiffe to pay and thereof in part did pay Videlicet One horse Bridle and Saddle and One Cow and Calfe at the price of twelve pounds but the Said Sum of Ten Pounds four shillings and tenpence the remainder thereof due to ballance he the defendant his Assumption not regarding hath not paid to the plaintiffe but the Same unjustly neglects and refuses to pay tho' often thereto requested to the plaintiffes damage five shillings and therefore he bring this Suite etc.

And Thomas Harvey Esqr. Provost Marshall of the County of Albemarle having made return thereof (non est inventus) And the Defendant (being also Solemnly called) came not;

<*Attachment.*> Therefore It is Granted that the Marshall do attach the Goods and Chattells of the said Defendant So as to compell him to appear at the next Court on the last Tuesday in October next to answer the Plaintiff aforesaid.

<*Low* v. *Conner.*> John Conner Merchant was Attach't to answer unto Emanuel Low Gentleman of a plea that he do render him two hundred and Sixty Eight Pounds Current money of this Province which to [him] he owes and from him unjustly Detaines etc. And whereupon the said Emanuel by Thos. Swann his Attorney Complaines for that Whereas the aforesaid John on the Seventeenth day of June One thousand Seven hundred and Seventeen by his Certain Bond Obligatory which he the Said Emanuel with the Seale of the aforesaid John Signed here brings into Court whose Date is the Same day and Year did acknowledge himself to owe to the aforesaid Emanuel the full and Just Sum of Two hundred and Sixty Eight pounds Current money of this Province and that the same payment may be well and faithfully made the aforesaid John did oblige himselfe his heirs Executors and administrators by the said Obligation to pay to the said Emanuel the aforesaid Sum of two hundred and Sixty Eight Pounds Current etc. when he the said John Should be thereto requested Yet nevertheless the aforesaid

John altho' often requested the aforesaid Sum of Two hundred and Sixty Eight pounds Current money to the same Emanuel he hath not as yet paid but the Same hiterto hath denyed to pay and as yet doth deny Whereupon he Saith that he is damnified and hath damage to the value of five hundred and thirty Six Pounds and thereupon he brings this Action.

Thos. Swann Per plaintiffe

And the said Conner (being Solemnly called) came not; nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done.

Wherefore the Plaintiff was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendants Estate.

<*Order* v. *Marshall.*> And the Plaintiff aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the said Defendant at the next Generall Court to answer to the aforesaid plaintiffe otherwise Judgement to be confirmed against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the said Marshall prayed an Attachment against the Estate of the Said Defendant for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court; Which was Granted.

<*Pugh Assignee* v. *Reddick.*> Francis Pugh of Nansemond County in Virginia Merchant Assignee of Jno. Pugh is Plaintiff and Robt. Reddick (alias dictus) Robt. Reddick Junior late of the Same County is Defendant in a plea of Debt etc.

And the said Plaintiff by Thos. Swann his Attorney demands of the said Defendante that he do render to him the Sum of Eight barrells of Tarr which to the plaintiff he oweth and from him unjustly detaineth [*torn*] that whereas the said Defendant on the Eighth day of Janry. One thousand Seven hundred and Seventeen by his certain Bill Obligatory Signed by the said Defendante whose Date is the same [*torn*] and year aforesaid which Bill is filed in the office of this Court became indebted to [*torn*] Pugh in the said Sum of Eight Barrells of Tarr to be paid to the said Jno. his heirs or Assignes [*torn*] Said Defendant Should be thereunto requested Yet nevertheless the said Defendant the Said Sum [*torn*] barrells of Tarr to the said John did not pay nor to this Plaintiff Since the Assignment of the said [*torn*] he hath not paid but the Same to pay hath and doth Still refuse tho' often thereunto [*torn*] Whereupon the plaintiff Saith he is damnified Eight Pounds Sterling and Thereupon he brings [*torn*].

<284> And the said Reddick (being Solemnly called) came not; Nor did the Marshall make returne of Bond or Security taken for the Said Defendants appearance as by Law he ought to have done;

Wherefore the Plaintiff was put to this Choice either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the defendantes Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making Choice of an Order against the Marshall It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the Said Defendant at the next Generall Court to answer the aforesaid Plaintiffe Otherwise Judgment to be confirmed against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Said Marshall prayed an Attachment against the Estate of the Said Defendant for the Debt and Costs aforesaid so as to compell him to appear etc. at the next Court etc. Which was Granted.

<*Pugh Assignee* v. *Wallis.*> Francis Pugh of Nansimond County in Virginia Merchant (Assignee of Jno. Pugh Assignee of Rich'd Conquerer) is plaintiff and John Wallis late of the Same County is Defendant in a plea of Debt. etc.

And the Said Plaintiff by Thos. Swann his Attorney demands of the said Defendant that he do render to him the Sum of twenty One tarr Barrells or in leiu thereof Six hundred and twenty pounds of Tobacco which to him he oweth and from him unjustly detaineth for that Whereas the Said Defendant on the Seventh day of October One thousand Seven hundred and Eighteen by his Certain Bill Obligatory Sign'd by the said Defendant whose date is the same day and Year aforesaid which Bill is filed in the Office of this Court became indebted to one Richd. Conquerer in the said Sum of twenty One Tarr barrells or in leiu thereof Six hundred and twenty pounds of Tobacco to be pd. to the said Richd. his heires or assignes when he the said John should be thereunto requested Yet Nevertheless the said Defendant the said Sum of twenty one Tarr barrells or in leiu thereof Six hundred and twenty pounds of Tobacco to the said Richard did not pay nor to the said John Assignee of the said Richard nor to this Plaintiff assignee of the said John he hath not paid but the same to pay hath and doth Still refuse tho' often thereunto requested Whereupon he brings this Suite etc.

And the Said John Wallis (being Solemnly called) came not And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided <*Attachment*> It is therefore Granted at the Plaintifs Motion that an Attachment be Issued out against the Goods and Chattells of the Said Jno. Wallis thereby to compell him to appear and answer the Suite of the Said Plaintiff returnable to the next Court to be holden at Edenton on Queen Annes Creek the last Tuesday in October next.

Howett v. Williams Case. Return'd Executed and Discontinued at the request of the Plaintiff.

<*Hodges* v. *Palin.*> James Hodges complains against Jams. Palin in custody etc. of a plea that he render unto him the said Plaintiff the sum of Seven pounds current money etc. which he the said Defendant oweth and unjustly detaineth from him the said plaintiff Videlicet at Chowan in the Province aforesaid due by account dated the twenty fourth day of May One thousand Seven hundred and twenty two and here in Court produced.

<*Retraxit.*> And the Said James Hodges in his own proper person confesseth himself to be Satisfied of the Debt and Damages aforesaid.

Therefore the Said James Palin of the said Debt and Damages is acquitted.

<*Hazard* v. *Burnell.*> Roger Hazard by William Little his Attorney comes to prosecute his Suite against John Burnell in Custody etc. of a plea that he render unto him the said plaintiffe the Sum of Sixteen pounds which he the said Defendant oweth and unjustly detaineth from him the said plaintiff Videlicet the twenty Second day of June One thousand Seven hundred and twenty two at the precinct of Chowan in the Province aforesaid the same being due by Account dated the same day and year and here in Court produced etc.

<*Judgment Confest* [*illegible*] *the 20th Octor.* [*torn*] *and Satisfaction made.*> And the Defendant in his own proper Person comes and confesses etc. for the Sum of Six Pounds Fiffteen Shillings and ten Pence Current money wherewith the Said Roger Hazard being Content It is therefore Consider'd that the Said Roger Hazard recover and have against the Said John Burnell the aforesaid Sum of Six Pounds Fiffteen shillings and ten Pence with Costs alias Execution.

[*Torn*] James Hodges by William Little his Attorney comes to prosecute his Suite against Elizabeth Osborne alias Burnell in custody etc. of a plea of Tresspass on the Case for that She the defendante owes and Stands Justly indebted unto him the said Plaintiff the Sum of Eight pounds current money and which She the said Defendant Oweth and Unjustly detaineth from him the said Plaintiffe Videlicet the thirteenth day of Aprill One thousand Seven hundred and twenty two at the Precinct of Chowan etc. due by Account Dated [*torn*] day and Year and here in Court produced etc. And John Burnell in behalfe of the Defendante comes and confesses etc. for the Said Sum [*torn*] Pounds wherewith the Plaintiff aforesaid Content.

<285> It is therefore Consider'd that the Said James Hodges recover and have against the Said John Burnell the aforesaid Sum of Eight pounds and Costs with Stay of Execution till the fourteenth day of September next. <*Satisfaction made. Testis W. B.*>

Kirby v. Jessop Detinue no returne dismist; Marshall to pay Costs.

Pettiver v. Robert Hicks Debt. Return'd Copy Left, discontinued at the request of the Plaintiffe on the 4th day of August.

<*Swann* v. *Butler.*> Thomas Swann of Curratuck Precinct comes to prosecute his Suite against Christopher Butler in a plea of Debt and in his own person demands of the Said Defendant that he do render to him the Sum of five Pounds Current money of this Province which to the plaintiffe he oweth and from him unjustly detaineth for that whereas the said Defendant on the thirteenth day of June One thousand Seven hundred and twenty One by his Certain Bill Signed by the Said Defendant whose Date is the Same day and year aforesaid which Bill is filed in the Office of this Court became indebted to the Said Plaintiff in the Said Sum of five Pounds Current money as aforesaid to be paid to the Said Plaintiff when he the said Defendant Should be thereunto requested Yet the said Defendant the said Sum of five Pounds to the plaintiff hath not paid but the same to pay hath and doth Still refuse tho often requested thereunto Whereupon the Same Plaintiff Saith he is damnyfied Ten Pounds and thereupon he brings this Suite etc.

And the Said Christopher Butler (being Solemnly called) came not And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as Directed by an Act of Assembly in that Case made and Provided.

<*Attachment.*> It is therefore Granted at the Plaintiffs Motion that an Attachment be Issued out against the Goods and Chattells of the said Christopher Butler thereby to compell him to appear and Answer the Suite of the said Plaintiff returnable to the next Court on the last Tuesday in October next.

<*Branch* v. *Lillie.*> Margaret Branch by Thos. Henman her Attorney comes to prosecute her Suite against Thomas Lillie of a plea that he the said Defendant

render to her the Said plaintiff the Sum of thirteen pounds Fiffteen Shillings of Boston money which he the said Defendante owes and unjustly from her the Said Plaintiff to witt the twenty fourth day of February One thousand Seven hundred and twenty One at the Precinct of Chowan the Same being due by Obligation under the Defendants hand and Seale dated the Same Day and Year payable to the Plaintiff and here in Court produced etc.

<*Defendants appearance.*> And the Said Defendante in his owne proper person came and confest etc. for the Sum of five pounds which he made appear was all that was due to Daniel White in whose behalfe the said Obligation was past and hath deserted the Vessell and that he was always ready to have paid the Same.

<*Judgment confesst.*> Wherefore It is Consider'd by the Court that the plaintiffe recover and have against the Said Defendante the Said Sum of five pounds without Costs alias Execution, and that the plaintiffe pay the Costs.

<*Hodges* v. *Roper.*> James Hodges by William Little his Attorney comes to prosecute his Suite against Thomas Roper of a plea of Tresspass on the Case for that he the Said Defendante Stands being indebted to him the Said Plaintiffe the Sum of fiffteen pounds and fourteen Shillings for goods Sold and Deliver'd which medicines administred and attendance Videlicet from the tenth day of July One thousand Seven hundred and twenty two at the precinct of Chowan in the Province aforesaid as by Account dated the Same day and year and here in Court produced etc.

<*Judgment by nihil dicit.*> And the Said Thomas Roper (being Solemnly called) came not. It is therefore Consider'd that the aforesaid James Hodges doe recover and have against the aforesaid Thomas Roper the aforesaid Sum of Fiffteen pounds and fourteen Shillings with Costs unless the Defendante do appear at the next Court to answer [*torn*] aforesaid Plaintiffe.

<*Wood* v. *Bate.*> James Wood by Thomas Henman his Attorney comes [*torn*] prosecute his Suite against James Bate of a plea that he the Said Defendante render unto him the [*torn*] the Sum of Six pounds Current money etc. which he the said Defendante Owes and unjustly detaineth [*torn*] Said Plaintiffe Videlicet the Eighth day of December One thousand Seven hundred and [*torn*] <286> Precinct of Chowan in the Province aforesaid due by Obligation under the defendante's hand Dated the Same day and Year and here in Court produced etc.

And the said Defendante being Solemnly called came not nor did the Marshall make returne of Bond or Security taken as by Law he Ought to have done for the said Defendante's Appearance. Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate. And the plaintiffe aforesaid making choyce of an Order against the Marshall;

<*Order* v. *Marshall*> It is therefore Order'd that the Provost Marshall of the County of Albemarle have the body of the Said Defendante at the next Generall Court to answer to the aforesaid plaintiffe otherwise Judgment to be confirm'd against the Marshall for the Said Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Court etc. Which was Granted.

<*Clayton Executor* v. *Branch.*> Henry Clayton Esqr. Executor of the last Will and Testament of Basil Sanderson Deceased by William Little his Attorney comes to prosecute his Suite against Margaret Branch of a plea of Tresspass on the Case for that to witt that whereas the Said Defendante is indebted the Sum of Seven pounds and Fiffteen Shillings to witt the first day of March One thousand Seven hundred and twenty One at the precinct of Chowan in the province aforesaid the Same being due to the Testator in his life time to witt the Same day and year at the place aforesaid by Account herein Court produced for money Lent Videlicet Seven pounds and Fiffteen Shillings which the Defendante did not pay to the Testator in his life time nor to the plaintiffe Since his death altho' often thereunto required but have always denyed and refused So to doe etc.

<*Defendants appearance.*> And the Defendante by Thomas Henman her Attorney appeared and for plea Saith that she did not assume etc. And for tryall thereof putts her Self upon the Country. And the Plaintiffe in like manner.

<*Issue Joyn'd and waiv'd.*> Whereupon the Issue Joyn'd to be tryed by the Country was waived and by the Consent of both plaintiffe and Defendante the Cause was referr'd to the Court for tryall.

<*Auditors appoynted.*> And the Court here having referr'd the Accounts between them to Thomas Harding and Roger Hazard to Audit the Said Auditors did make report that they find there is due to the Defendante the Sum of ten pounds nineteen shillings and three pence.

<*Judgment for the Defendante.*> Wherefore It is Consider'd that the Action be dismist and that the plaintiffe pay Costs alias Execution.

Rutland v. Jenkins return'd Executed and Agreed.

<*Pugh Executors* v. *Jenkins.*> Thomas Jenkins late of Nansimond County in Virginia but now a Sojourner in the Province aforesaid was attached to answer Theophilus Pugh and Francis Pugh Executors of the Last Will and Testament of Ann Hawstead Widow Deceased late Executrix of the last Will and Testament of Thomas Hawstead late of Nansemond County Deceased in a plea of Debt etc.

And the Said plaintiffe's by Thos. Swann their Attorney Demands of the Said Defendante that he do render to them the Sum of twenty five barrells of Tarr good and Merchantable which from the plaintiffe's he unjustly detaineth for that whereas the said Defendante by his Obligation under his hand and Seale bearing date the 11th day of December One thousand Seven hundred and Seventeen became indebted to the said Thos. Hawstead in his life time in the said Sum of Twenty five barrells of Tarr to be paid to the said Thomas Hawstead when he the said Defendante Should be thereunto requested Yet the said Defendante the said Sum of twenty five barrells of Tarr to the Said Thos. Hawstead in his life time did not pay nor to the Said Ann in her life time after the death of the said Thos. Hawstead whose Executrix She was Nor to the said plaintiffe's Executors of the aforesaid Ann Since the death of the said Ann hath not Satisfyed and paid the said Sum of twenty five barrells of Tarr but the Same to pay hath and doth still refuse and deny tho' often thereunto requested Whereupon they Say they are damnifyed twenty pounds Sterling and thereupon they bring their Suite etc.

And the Said Defendante in his own proper person came and Confest etc. for twenty five barrells of Tarr It is therefore Consider'd that the Said Theophilus

Pugh and Francis Pugh Executors as aforesaid recover and have of the Said Thomas Jenkins Defendante the aforesaid Sum of twenty five Barrells of Tarr with Costs alias Execution.

<287> Ogilby v. Favor Case returned Executed and Agreed.

<*Ogilby* v. *Keefe.*> Patrick Ogilby by Thomas Swann his Attorney comes to prosecute his Suite against Treadle Keefe of a plea of tresspass on the Case for that to witt that whereas the Said Defendante the first day of May One thousand Seven hundred and twenty two at the precinct of Chowan in the province aforesaid Stands Justly Indebted to him the said plaintiffe the Sum of nine pounds Current money of North Carolina the Same being due by Account dated the same day and year and here in Court produced which the Defendante Assum'd upon him Self and promis'd to pay to the plaintiffe etc.

<*Copy left.*> And the Said Treadle Keefe (being Solemnly called) came not and the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be Issued out against the Goods and Chattells of the said Treadle Keefe thereby to compell him to appear and Answer to the suite of the said Plaintiffe returnable to the next Court on the last Tuesday in October next.

<*Badham* v. *Keefe.*> William Badham by Thomas Henman his Attorney comes to prosecute his Suite against Treadle Keefe of a plea of tresspass on the Case for that to witt that whereas the said Defendante the sixth day of September One thousand Seven hundred and twenty One at the precinct of Chowan in the province aforesaid Stands Justly indebted to him the Said plaintiffe the Sum of three pounds the Same being due by Account dated the same day and year here in Court produced which the Defendante assum'd upon himself and promised to pay to the plaintiffe etc.

<*Copy left.*> And the Said Treadle Keefe (being Solemnly called) came not; And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the Plaintiffe's Motion that an Attachment be Issued out against the Goods and Chattells of the Said Treadle Keefe thereby to compell him to appear and Answer to the Suite of the said plaintiffe returnable to next Court on the last Tuesday in October next.

<*Bonner* v. *Branch.*> Margaret Branch was Attached to answer the Suite of Henry Bonner Churchwarden in a plea of the Case damage Fiffteen pounds And the said Plaintiffe (being Solemnly called) came not neither filed any Declaration.

<*Non suite.*> It is therefore Granted that he the Said Bonner may be from hence in mercy and the Said Branch may goe without day and that he the said Bonner pay Costs alias Execution.

Willson Assignee of Christian Heidlebergh v. Wingate Debt. Agreed.

Adderley v. Worley Tresspass and Assault. Noe Returne.

Adderley v. Worley Tresspass Assault and false Imprisonment. No Returne.

<*Butler* v. *Betterley.*> In an Appeall brought by Christopher Butler then Defendant against a Judgment passd against him in the Precinct Court of Chowan the Eighteenth day of Aprill One thousand Seven hundred and twenty two for the Sum of thirteen pounds with Costs at the Suite of Thomas Betterley then Plaintiffe.

<*Security's Appearance.*> The Said Christopher Butler (being Solemnly called) came not Wherefore It is Consider'd that the Judgment of the Said Precinct Court be affirmed; Then came into Court Edward Standen One of the Security's for the said Christopher's Appearance and [*torn*] down here in Court to William Little Attorney for the Said Thomas Betterley the Sum of thirteen pounds aforesaid and Costs.

<*Satisfaction made.*> Therefore the said Christopher of the Debt and Damages aforesaid is acquitted etc.

<288> <*Boutineau* v. *Paquinet.*> Michell Paquinet late of Boston in the County of Suffolk in his Majesties Province of the Massachusett's Bay in New England Marriner Otherwise called Michel Paquinet of Boston in the County of Suffolk in his Majesties Province of the Massachusetts Bay in New England Marriner was Summoned to answer Stephen Boutineau of Boston in the province and County aforesaid Storekeeper of a plea that he render to him the Sum of forty Pounds three shillings lawful money of or in Bills of Credit of Boston which to him he owes and unjustly detaines etc.

And whereupon the Same Stephen by Thomas Boyd his Attorney Saith that Whereas the aforesaid Michel the fiffth day of August in the first Year of his Majesties Annoque Domini one thousand Seven hundred and Fifteen at Boston aforesaid by his certain Writing Obligatory did grant himself to be bound to the Same Stephen in the aforesaid Forty pounds three shillings for the which payment well and truly to be made and done to the Said Stephen his Certain Attorney heirs Executors Administrators or Assignes the aforesaid Michel did bind himself his heirs Executors and Administrators by the Same Writing Nothwithstanding the aforesaid Michel the aforesaid forty Pounds three shillings to the Same Stephen altho' often required he hath not as yet rendred it but the same hitherto hath denyed to pay and as yet denyeth Whereupon he Sayth that he is damnyfied and damage hath forty Pounds three shillings of the like money and thereof he brings his Suite etc. And he bringeth here into Court the Writing aforesaid Signed with the proper hand and Sealed with the Seale of the said Michel which testifie the Debt aforesaid in form aforesaid the Date whereof is the day and year aforesaid etc.

<*Oyer.*> And the Said Defendant by William Little his Attorney appear'd and prayed Oyer of the Bond till next Court on the last Tuesday in October next and he hath it the Same day is also given to the plaintiffe.

Little v. Singleton Debt. Executed and Agreed.

Vidall V. Montgomery Tresspass on the Case. Return'd Executed and Dismist.

Vidall v. Whitehorne noe returne nor Declaration filed.

<*Palmer* v. *Cary.*> Robert Palmer of North Carolina Planter is plaintiffe and John Cary Gentleman Son and Heir of Thos. Cary late of North Carolina Merchant deceased is Defendant in a plea of Debt etc.

And the Said Plaintiffe by Edward Moseley his Attorney demands of the Defendant that he do render unto the plaintiffe the Sum of One hundred pounds current money of North Carolina which to the plaintiffe he oweth and from him unjustly detaineth for that whereas the said Thos. Cary in his life time Videlicet the Eighteenth day of August One thousand Seven hundred and Sixteen at No. Carolina by his certain Writing Obligatory under the hand and Seale of the Said Thomas Cary bearing date the said day and year acknowledged himself to be bound to the said plaintiffe in the aforesaid Sum of One hundred pounds to be pd. to the same plaintiffe his heirs Executors and Assignes and to that payment well and truly to be made the said Thos. Cary bound himself and his heirs as by the same Writing Obligatory now produced in Court will more fully and at large appear Yet nevertheless the said Thos. Cary in his life time nor the Defendant Son and heir of the Said Thos. after the Death of the said Thos. the aforesaid One hundred pounds to the said plaintiffe hath not paid but the same to him the said plaintiffe to pay doth deny and unjustly detain Whereupon the plaintiffe Saith he is damnyfied One hundred and ten pounds And thereupon he brings this Suite etc.

And the Said Defendante (being Solemnly called) came not And the Marshall having return'd (non est inventus).

<*Attachment.*> Therefore It is Granted at the Plaintiffe's Motion that an Attachment do Issue out against the Goods and Chattells of the said Defendant thereby to compell him to appear and answer to the suite of the said plaintiffe returnable to the next Court on the last Tuesday in October next.

Henderson v. Doyck Tresspass on the Case return'd Agreed.

Lock v. Smith Debt return'd made up and Agreed.

And then the Court Adjourn'd By Order of the Ch. Justice and his Assistants.

W. Badham Clk. C. Gale C.J.

[*July 1722*]

[*CCR 103*]

<77> North Carolina Sc.

Att a Generall Court of Oyer and Terminer and Goale Delivery held at the Courthouse in Edenton on Queen Annes Creek on Tuesday the 31st. day of July and continued by Severall Adjournments till Saterday the 4th day of August One thousand Seven hundred and Twenty Two. Present Christopher Gale Esqr. Cheif Justice. John Worley, Edmd. Gale, Adam Cockburne, Henry Clayton, Esqrs., John Solley, John Cotton, Cullen Pollock, Barnaby Mackenny, Esqrs. Assistants.

<*Grand Jury.*> The following Persons were Impannell'd and Swome upon the Grand Jury Videlicet William Charlton Esqr., John Nairne, William Howett, Thomas Yates, Henry Bradley, Joseph Spruell, Aaron Oliver, John Ward, Edward Outlaw, William Coward, Robert Lanier, James Peake, Edward Wingate, John Pettiver, Francis Branch, William Yates, Lewis Bryant.

Who being charg'd with things proper for their Inquiry by the Cheif Justice withdrew and consider'd the Severall matters given them in charge and on their Returne made Presentment of the following Bill Videlicet.

<*Dominus Rex* v. *Doyle. Indictment.*> A Bill of Indictment against William Doyle for Felony in haec verba videlicet To the Honorable Chr. Gale Esqr. Cheif Justice and to the rest of the Justices for holding the Generall Court of this Province The Jurors for Our Sovereign Lord the King upon their Oaths presents That on the fourteenth day of July in the year of Our Lord One thousand Seven hundred and twenty-two about Six of the Clock in the afternoon William Doyle Servant to William Barrow of Hyde precinct in the County of Bath Planter did with a felonious Intent enter through a window into the dwelling house of the Said William Barrow in Hyde Precinct aforesaid and thereout and therefrom by force and Armes did feloniously take and bear away One pair of men's Silver Buckles of the value of twenty Shillings One pair of Women's Silver <78> Buckles of the value of ten Shillings One payr of Stone Shirt buttons of the value of two shillings One pay'r of Leather Breeches of the value of five Shillings four yards and one quarter of Garlick Linnen of the value of ten Shillings one well fixt Gun of the value of thirty Shillings a quantity of Gun pouder and Shott of the value of ten Shillings the proper goods and chattells of the Said William Barrow against the peace of Our Lord the King that now is his Royall Crowne and dignity and against a Statute in that behalfe made and provided.

Danll. Richardson pro Domino Rege.

<*Plea.*> Upon which Indictment the Said William Doyle was arraigned and upon his Arraignment pleaded not Guilty and for tryall thereof putt himself upon God and Country.

<*Jurors.*> Whereupon the Marshall was commanded to cause to come twelve etc. by whom etc. who neither etc. and there came Videlicet Collonel William Maule, Thomas Harding, Paul Phillips, John Jorden, Joshua Turner, John Johnston, and Henderson Luton, Richard Minsey, William Weston, Aaron Blanchard, Thomas Luton, Edward Standen.

<*Verdict.*> Who being Impannell'd and Sworne Say Wee of the Jury find William Doyle is guilty of Pettit Larceny to the value of four Shillings and Six pence.

Then the Said Doyle being asked if he had any thing to Say why Sentence Should not pass against him as the Law in that Case hath provided and he offering nothing in avoydance thereof

<*Sentence*> Whereupon It is Consider'd and adjudged that the Said William Doyle be tyed to the tayle of a Cart and be whip't on the bare back with thirty nine Stripes through Edenton this day of which the Provost Marshall of Albemarle is hereby required to See Execution done and that next fryday he be whip't in like manner thro' Bath Towne of which the Provost Marshall of the County of Bath is hereby required to See Execution done and then to deliver him to his Master William Barrow.

And then the Grand Jury was discharg'd from further Service at this Court.

<79> <*Vide Page (72) Fryleys Appearance.*> William Fryley being bound by Recognizance to appear at this Court etc. made his appearance but noe person appearing to prosecute or give Evidence to make good the Charge against him It is therefore Consider'd that the said William Fryley do give further Security for his appearance at the next Court and in the mean time that he be of his good behaviour.

<*Recognizance.*> And then the Said William Fryley acknowledged him indebted to Our Sovereign Lord the King his heirs and Successors in the Sum of Twenty Pounds and John Nairne and Phillip Wallston in the Sum of ten pounds Each to be Levyed on their Severall Goods and Chattells Lands and Tenements etc.

With Condition that if the said William Fryley do make his personall Appearance at the next Generall Court upon the third day of the Said Court and in the mean time be of his Good Behaviour towards his Majestie and all his leidge people then this Recognizance to be voyd or else to remaine in full force etc.

<*Shepards appearance.*> Solomon Sheppard being bound by Recognizance to appear at this Court etc. made his Appearance and is dismist without Day. <Discharg'd.>

<*Stoneham's Appearance.*> Thomas Stoneham being bound by Recognizance to appear at this Court on Suspition of Felony made his appearance but noe person being bound over to give Evidence or appearing to prosecute he is dismist without day paying Costs. <*Discharg'd.*>

<*Vide page (75) Scire facias* v. *Jones Executors.*> And the Said Scire facias being Issued and return'd (that Frederick Jones Esqr. was dead) Upon Motion of the Attorney Generall It is Order'd that another Scire Facias doe Issue in manner as before, against the Executors of the Said Frederick Jones Esqr. deceased.

<*Beverleys etc. Petition about a Ferry.*> A Petition of John Beverley and others was read Complaining against an Order of the Precinct Court of Chowan appoynting Mr. Henry Baker to keep a ferry over Chowan River near Menherring as Sett forth in the said Petition And the said Mr. Henry Baker appear'd and upon hearing of the Arguments on both Sides and the Order of the Precinct Court being also read It is Thereupon Order'd by this Court that the said Baker do continue to keep the Ferry aforesaid and that he doe take no more than two shillings and Six pence for a Man and horse and Fifteen pence for a Single person for passages over the said Ferry. <*Order for Baker to keep it.*>

<*Barrow's Petition.*> Upon the Petition of William Barrow praying that he may have his Goods restor'd to him which were feloniously taken from him by William Doyle Order'd that a Writt de Bonis restituendis do Issue out directed to the Provost Marshal of the County of Bath thereby Commanding him to restore to the Said Petitioner all Such good as are in his hands and are mentioned in the said Petition. <*Writ de Bonis restituendis to Issue.*>

And then the Court Adjourn'd By Order of the Cheif Justice and his Assistants.

W. Badham Clerk C. Gale C. J.

[*August 1722*]

[*CCR 103*]

<80> North Carolina Sc.

At a Speciall Court of Oyer and Terminer held at Edenton on Queen Annes Creek On Tuesday the 14th day of August Anno Domini One thousand Seven hundred and twenty two. Present Christopher Gale Esqr. Cheif Justice, Adam Cockburne, Cullen Pollock Esqrs. Assistants.

<*Councills Order for Speciall Courts.*> The Order of Councill requiring the Cheif Justice to call this Court for the Tryall of One John Cope a Christian Indian Man for feloniously breaking into the Lodging room of the Honorable Thos. Pollock Esqr. President being read in these Words Videlicet

North Carolina Sc.

At a Councill held at the Honorable the President's house August the 8th 1722. Present The Honorable Thos. Pollock Esqr. President, Christopher Gale, John Lovick and Thos. Pollock Junior Esqrs. Lds. proprietors Deputys.

The Honorable the President having Informed this Board that an Indian Named John Cope belonging to King Blount's Towne did on Saterday the fourth past in the Night Feloniously break into his Lodging Room which this Board having Consider'd of Do hereby order that the Cheif Justice do on Tuesday being the fourteenth Instant call a Speciall Court of Oyer and Terminer for the Tryall of the Said Indian and that a Copy of this Order Signed by the President under the Colony's Seale and Counter Signed by the Secretary Shall be a Sufficient authority to the said Cheif Justice for his holding the Said Court.

By Order of the President and Councill

J. Lovick Secretary Tho. Pollock

<*Grand Jury.*> Then the following Persons were Impannelled and Sworne upon the Grand Jury Videlicet Major Thomas Luton Foreman, Collonel Robert West, Mr. David Henderson, David Hicks, John Herring, John Williams, James Castellaw, John Holbrook, Martin Fred. Razor, Isaac Hill, Robt. Hicks, Henry Bonner, Francis Branch, Thomas Hoskins, Jeremiah Vaile, James Farloe, John Jorden, Samuel Patchett, Thomas Yates, John Jones Senior.

<81> <*Their Charge.*> Who being Charg'd with the fact Comitted as in the Order aforesaid for their Inquiry withdrew and upon their Returne made presentment of the following Bill Videlicet

North Carolina Sc.

To the Honorable Christopher Gale Esqr. Cheif Justice and the rest of the Justices for holding a Speciall Court of Oyer and Terminer for this Province.

<*Indictment.*> The Jurors for Our Sovereigne Lord the King that now is upon their Oathes present That John Cope a Christian Indian belonging to King Blounts Towne in this Province the fourth of this Instant August by force and Armes Burglary did committ by feloniously and Burglariously breaking and entering into the Mansion house of the Honorable Collonell Thomas Pollock Esqr. President of this province at Chowan in the County of Albemarle in the night Videlicet before Sun rising of the Same day the said Colonell Thomas Pollock in the Same house in the peace of God and of Our Said Lord the King then being against the peace of Our said Lord the King his Crowne and Dignity.

Danl. Richardson pro Domino Rege.

<*Plea.*> Upon which Indictment the Said John Cope was Arraigned and upon his Arraignment pleaded Not Guilty and for Tryall thereof putt himself upon God and the Country.

<*Jurors.*> Whereupon the Marshall was Commanded to cause to come twelve etc. by whom etc. who neither etc. and there came Videlicet Edward Wingate, Richard Willson, William Coward, Constant Luton, William Egerton, John White Junior, Thomas Jones, Thomas Luton, Edward Cockrill, Edward Howcott, Thomas Ashley, and John Jones.

<*Verdict.*> Who being Impanelled and Sworne etc. Say Wee of the Jury find the Said John Cope Not Guilty.

<*Sentence.*> Whereupon he is Order'd to be discharged after paying the Costs accruing by this Prosecution.

And then the Court Adjourned.

By Order of the Ch. Justice
and his Assistants.

W. Badham Clerk C. Gale C. J.

[*October 1722*]

[*CCR 106*]

<289> North Carolina Sc.

Att a Generall Court held for the Said Province at the Courthouse in Edenton Tuesday the 30th. day of October 1722 and Continued by Severall Adjournments till Saterday November the third next following. Present Christopher Gale Esqr Cheif Justice and John Worley, Adam Cockburne and Henry Clayton Esqrs. Assistants.

<*Porter and Uxor* v. *Blitchendn. Vide page 268 Sect. (1).*> And now here at this day Videlicet etc. came the aforesaid Thomas Blitchenden in his own proper person and produced to the Court here (to whom the full determination of the Cause was referr'd by consent of the Attorney's of Both parties) Sufficient Vouchers to prove the payment of the Account charg'd upon him in the Defendante's Declaration.

<*Dismist.*> Whereupon It is Consider'd that the said Thomas Blitchenden may goe from hence Without day and that the said plaintiffe's may goe in mercy and that they pay Costs alias Execution.

<*Chapman* v. *Humphrys. Vide page 269 Sect. 2d.*> And now here at this day Videlicet etc. came the aforesaid Chapman by Thomas Henman her Attorney to prosecute her Said Suite against the said Humphrys for the said Sum of thirty Seven pounds nineteen shillings and eleven pence halfpeny And the said Defendante (being Solemnly called) Came not and the Marshall having return'd on the Attachment heretofore granted (Nulla Bona) Whereupon the said Chapman by her Attorney aforesaid prayed Continuance of the Attachment which was granted returnable to the next Court on the last Tuesday in March next. <*Attachment Continued.*>

<*Chapman* v. *Dunn. Vide page 269, Sect. (3d).*> And now here at this day Videlicet etc. came the aforesaid Chapman by Thomas Henman her Attorney to prosecute her Suite aforesaid against the said Dunn for the Said Sum of four thousand Six hundred and fiffty four pounds of Tobacco; And the Said Defendante

(being Solemnly called) came not Whereupon the said Chapman by her Attorney aforesaid prayed Continuance of the Attachment which was granted returnable to the next Court on the last Tuesday in March next. <*Attachment Continu'd.*>

<*Clayton* v. *Bozman, Vide page 269 Sect. 4:* > And now here at this day Videlicet etc. came the aforesaid Henry Clayton Esqr. to prosecute his Suite aforesaid against the Said Bozeman for the said Sum of twenty five pounds damage; and the Defendante (being Solemnly called) came not: Whereupon the aforesaid Clayton prayed Continuance of the Attachment which was Granted, returnable to the next Court the last Tuesday in March next. <*Attachment Continued.*>

<*Parris* v. *Ming. Vide page 270 Sect. 2d:* > And now here at this day Videlicet etc. came the aforesaid Thomas Parris in his own proper person; And the Said James Minge (being Solemnly called) came not: Whereupon the plaintiffe proceeded to prove his Debt due from the Defendante by his Corporall Oath according to the forme of an Act of Assembly in that Case made and provided. <*Debt proved.*>

Wherefore It is Considered that the Said [*torn*] Parris recover and have against the Said James Minge the aforesaid [*torn*] of Ten pounds Sterling with Costs alias Execution. <*Judgment Executed* v. *body Febr. 7th 1722.*>

<290> <*Fomvill etc.* v. *Fullford, Vide p. 270 Sect. (5).* > And now here at this day Videlicet etc. came the aforesaid John Fomvill Administrator as aforesaid; And the said Joseph Fullford by their Attorneys and hereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court on the last Tuesday in March next.

On Motion of the plaintiffe's Attorney the said Joseph Fullford in Court confess't that the Said John Fomvill demanded the Indian Slave now in dispute before Action was brought and that he refus'd to deliver him. <*Continued.*>

<*Shabana's Motion.*> On Petition of Isaac Shabana praying to be allow'd for his Attendance and as Evidence in the Said Suite. It is Granted and Order'd that he be paid by the said Fomvill twenty three Shillings and ten pence alias Execution.

<*And Deposition.*> And then by the Consent of the Attorneys on both sides the Deposition of the said Shabana was taken in open Court agreed to be admitted as Evidence upon the Tryall.

On the petition of William Barren praying to be allow'd for his Attendance etc. as Evidence in the Said Suite It is order'd that he be paid by the said Fomvile the sum of Fiffty Shillings alias Execution.

<*Barren's Motion and Desposition.*> And then by the Consent of the Attorneys on both sides the Deposition of the Said Barren was taken in Open Court and agreed to be admitted as Evidence upon the Tryall.

<*Havett* v. *Bennett. Vide P: 270. Sect. (6).*> And now here at this day Videlicet etc. came the aforesaid William Havett by William Little his Attorney to prosecute his Suite aforesaid against the said John Bennett for the Said Sum of four pounds; And the Defendante (being Solemnly called) came not; Whereupon the plaintiffe aforesaid by his Said Attorney prayed Continuance of the Attachment which was Granted returnable to the next Court the last Tuesday in March next. <*Attachment Continued.*>

<*Evans* v. *Pritchard. Vide p. 272 Sect. (6). Continued.*> And now here at this day Videlicet etc. Came the aforesaid Philip Evans and the aforesaid Samuel

Pritchard by their Attorneys aforesaid; and hereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court on the last Tuesday in March next.

<*Ogilby* v. *Roper. Vide p. 273 Sect. (2). Dismist.*> And now here at this day Videlicet etc. Came the aforesaid Patrick Ogilby by Thomas Swann his Attorney to prosecute his Said Suite against the aforesaid Thomas Roper for the Said Sum of forty pounds. And the Said Defendante (being Solemnly called) came not. And it being fully understood by the Justices of the Court here that the said Defendante is dead. Therefore It is Consider'd by this Court that the said Suite be dismist and that the plaintiffe pay Costs alias Execution.

<*Palin* v. *Palmer. Vide P. 274 Sect. 2d: Retraxit.*> And now here at this day Videlicet etc. Came the aforesaid James Palin in his own proper person and Confesseth himselfe to be Satisfied of the damages aforesaid. Therefore the aforesaid Paul palmer of the said Damages is acquitted.

<*Harrys* v. *Comandr. Vide p. 274 Sect. 5th.*> And now here at this day Videlicet etc. Came the aforesaid Thomas Harrys and the aforesaid Thomas Comander by their Attorneys aforesaid; And hereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court on the last Tuesday in March next.

<*Ogilby* v. *Young. Vide* [*p.*] *274: Sect. 6:* [*torn*].> And now here at this day Videlicet etc. Came the aforesaid Patrick Ogilby and the aforesaid Joseph Young by their Attorneys aforesaid; And hereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court on the last Tuesday in March next.

[*Torn*] And now here at this day Videlicet etc. Came the aforesaid Edmd. Gale by his Attorney aforesaid and prayed Discontinuance of his Action aforesaid. Wherefore It is Consider'd that the Said George Durant may goe from hence without day and the said plaintiffe may go in Mercy and that he pay Costs alias Execution.

<291> <*Badham* v. *Conden vide page 274. Sect. 8. Continued.*> And now here at this day Videlicet etc. Came the aforesaid William Badham in his own person and the said John Conden by his Attorney and hereupon by the Consent of both parties the said Cause is putt in respite untill the next Court the last Tuesday in March next.

<*Hasting* v. *West vide page 275 Sect. 1. Respite.*> And now here at this day Videlicet etc. Came the aforesaid Theophilus Hastings and the Said Charles West by their Attorney's aforesaid and hereupon by the consent of both parties the said Cause is putt in respite untill the next Court the last Tuesday in March next.

<*Hill* v. *Eason vide page 275 Sect. 6. Respite.*> And now here at this day Videlicet etc. Came the aforesaid Hill and the aforesaid Eason by their Attorneys aforesaid and hereupon by the consent of both parties the Said Cause is putt in respite untill the next Court on the last Tuesday in March next.

<*West Administrator* v. *Batchelor. Vide page 276 Sect. 3. Discontinued.*> And now here at this Day Videlicet etc. Came the aforesaid Charles West Administrator by William Little his Attorney and prayed discontinuance of his Action aforesaid. Wherefore It is Consider'd by this Court that the said Richard Batchelor may goe from hence without day: And the said Plaintiffe may go in Mercy and that he pay Costs alias Execution.

<*Cooke* v. *Tully. Vide page 276. Sect. 9. Respite.* > And now here at this Day Videlicet etc. Came the aforesaid Thomas Cooke and the Said Thomas Tully by their Attorneys aforesaid and hereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court the last Tuesday in March next.

<*Pugh* v. *Robinson. Vide page 277 Sect. 6. Continued for proof.* > And now here at this Day Videlicet etc. Came the aforesaid Francis Pugh by Thomas Swann his Attorney to prosecute his Said Suite against the Said William Robinson for the aforesaid Sum of Sixteen barrells of Tarr and nine pence. And the Said Defendante (being Solemnly called) came not. Whereupon the plaintiffe prayed day till the next Court to produce proof of his Debt according to the direction of an Act of Assembly in that Case made and provided; Which is Granted the Same day is also given to the Defendante.

<*Badham* v. *Hazard. Vide page 277 Sect. 7. Judgment Confess'd.* > And now here at this day Videlicet etc. Came the aforesaid Wm. Badham in his own proper person to prosecute his Said Suite against the Said Roger Hazard. And the Said Defendante comes and confesses etc. for the Sum of Fifty Six pounds wherewith the plaintiffe aforesaid being Content.

It is therefore Consider'd that the Said William Badham recover and have against the said Roger Hazard the Said Sum of Fiffty Six pounds with Costs alias Execution.

<*Howett* v. *Cosby. Vide page 278 Sect. 9. Cont.* > And now here at this day Videlicet etc. Came the aforesaid Wm. Howett and the said John Crossby being Solemnly called came not: Whereupon the plaintiffe by Thomas Henman his Attorney prayed Continuance of the aforesaid Order Returnable to the next Court on the last Tuesday in March next. Which was Granted.

<*Ogilby* v. *Ross page 278 Sect. 10.* > And now here at this day Videlicet etc. Came the aforesaid [*torn*] Ogilby by his Attorney aforesaid to prosecute his Said Suite against the said [*torn*] for the aforesaid Sume of five pounds. And the said Defendante (being Solemnly [*torn*] <*Came not*> And it being fully Certified to the Court here that the said Defendante is [*torn*].

<*Dismist.* > Therefore It is Consider'd by this Court that [*torn*] Suite be dismist and that the plaintiffe pay Costs alias Execution.

<292> <*Howett* v. *Singleton vide page 279 Sect. 4: Cont.* > And now here at this day Videlicet etc. Came the aforesaid William Howett by Thomas Henman his Attorney to prosecute his Suite aforesaid against the said James Singleton for the Sum of twenty two pounds ten Shillings. And the Said Defendante (being Solemnly called) came not; Whereupon the plaintiffe aforesaid by his Said Attorney prayed Continuance of the Attachment which was granted returnable to the next Court on the last Tuesday in March next.

<*Ward* v. *Haughton. Vide page 279 Sect. 5.* > And now here at this day Videlicet etc. Came the aforesaid James Ward by Thomas Swann his Attorney to prosecute his Said Suite against the aforesaid William Haughton for One hundred pounds Sterling damage.

<*Issue Joyn'd.* > And the Defendante by Thomas Boyd his Attorney comes and defends the force and Injury when etc. and Saith that he is Not Guilty and of this he putts himself upon the Countrey; And the plaintiffe in like manner.

<*Respite.*> Whereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court the last Tuesday in March next; <*Rule of Court*> And be it made a Rule of this Court that the plaintiffe aforesaid do cause his Land to be Survey'd by a Sworne Surveyor in the presence of two freeholders and Shall make returne thereof to the next Court; And also that the Defendante have notice of the time of running it out.

<*Outlaw* v. *Roundtree. Vide page 280 Sect. 2d. Errors assign'd.*> And now here at this day Videlicet etc. Comes the aforesaid Thos. Rountree by William Little his Attorney aforesaid to prosecute his Errors to reverse the Judgement aforesaid and for reversall thereof Offers these Reasons Videlicet

First he Sayth it is Erred in that Judgment was for the plaintiffe Edward when it should have been for the Defendante.

2dly: he Sayth it is Erred in that the plaintiffe the Said Outlaw did treat Some of the Jury men at his Cost and Charge before and after Verdict with Victualls, Drink etc.

3dly: he Sayth it is Erred in that there was one man with the Jury that did not belong to the Jury and was very Strenuous against the Said Roundtree.

4thly: he Sayth it is Erred in that the damages were high and Excessive Considering the Character of the Said Outlaw and therefore the Court will not give Judgment thereon.

5thly: he Sayth it is Erred in that the Jury determin'd pure matter of Law Videlicet the Extent of the Authority and Jurisdiction of a Justice of Peace which they cannot doe but the Court only and the Said Rountree is now ready to Show the honorable Court that what he did he had power by his Commission to doe.

Wherefore on the whole the said Verdict and Judgement being Erroneous the said Rountree prayes the Said Judgement may be arrested and reversed.

To which the Said Edward by Thomas Swann his Attorney in the said Court appearing pleaded; That neither in the Records nor in the Proceedings aforesaid for the revoking and annulling of the Judgement aforesaid in any thing was there Error etc. And the premisses being Seen, and by the Court of Our Lord the King here diligently Examin'd and fully understood as well the Record and Proceedings aforesaid And the Judgment upon the Same given as the Causes aforesaid for Error by the Said Thomas above Assigned and alledged.

It Seem'd to the Court here that the Record aforesaid was in Nothing Vitious or defective and that in the Record is Error in Nothing.

Therefore then and there in the Same Court it was Granted that the Judgement aforesaid Should be affirm'd in all things and in all it's force and Effect to Stand the Said Causes for Error here assign'd in any thing Notwithstanding etc.

<293> <*Badham* v. *Brownlow vide page 281 Sect. 2d.*> And now here at this day Videlicet etc. Came the aforesaid Wm. Badham by his Attorney aforesaid and the Said Defendante being Solemnly called came not; Whereupon the plaintiffe proceeded by his Corporall Oath to prove the Debt due from the Defendante according to the form of an Act of Assembly in that Case made and provided. <*Judgment.*> Therefore It is Consider'd by the Court that the said plaintiffe recover and have against the said Defendante the Sum of Seven pounds ten Shillings with Costs alias Execution. And that the said Deputy Marshall do pay to

the plaintiffe the aforesaid nine pounds in order to discharge the said Debt and Costs which was accordingly done.

<*Moseley* v. *Bernard. Vide page 281 Sect. 3d.* > And now here at this day Videlicet etc. Came the aforesaid Edward Moseley and prayed discontinuance of his Action aforesaid.

Whereupon It is Consider'd that the said Samuel Bernard may goe from hence without day and the said plaintiffe may go in mercy and that he pay Costs alias Execution.

<*Porter* v. *Francis. Vide page 281 Sect. 5. Attachment Cont.* > And now here at this day Videlicet etc. Came the aforesaid John porter and the aforesaid William Francis being Solemnly called came not etc. Whereupon the plaintiffe proceeded by his Corporall Oath to prove the Debt due from the Defendante according to the form of an Act of Assembly in that Case made and provided. And prayed Continuance of the Attachment aforesaid Which was Granted returnable the last Tuesday in March next.

<*Pugh* v. *Cannady. Vide page 282 Sect. 4:* > And now here at this day Videlicet etc. Came the aforesaid Pugh by his Attorney aforesaid; And the aforesaid Defendante in his own proper person comes and Saith nothing in barr or Avoydance of the Action of the aforesaid plaintiffe by which the aforesaid plaintiffe against the Said Defendante remain undefended. <*Judgment.* > It is Therefore Consider'd that the aforesaid plaintiffe recover and have against the said Defendante the aforesaid Sum of four hundred and Sixty pounds of Tobacco with Costs alias Execution. <*Satisfaction made. Testis WB Clericus Curiae Generalae.* >

<*Harrys* v. *Hendricks. Vide page 283 Sect. 2d.* > And now here at this day Videlicet etc. Came the aforesaid Thomas Harrys by his Attorney aforesaid and prayed Discontinuance of his Action aforesaid.

<*Discontinued.* > Wherefore It is Considered that the Said Hendricks may goe from hence without day and the Said Harrys may goe in Mercy and that he pay Costs alias Execution.

<*Low* v. *Conner. Vide page 283 Sect. 3d. Cont.* > And now here at this day Videlicet etc. Came the aforesaid Emanl. Low by his Attorney aforesaid and the Said John Conner in his own proper person; And hereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court on the last in March next.

<*Pugh* v. *Reddick. Vide page 283 Sect. 4. Cont. for proof.* > And now here at this day Videlicet etc. Came the aforesaid Francis Pugh by his Attorney aforesaid to prosecute his Said Suite against the said Reddick for the Sum of Eight barrells of Tarr; And the Said Defendante being Solemnly called came not. Whereupon the plaintiffe prayed Day till the next Court to produce proof of his Debt according to the direction of an Act of Assembly in the Case made and provided Which was Granted, the same day is also given to the Defendante.

<*Pugh* v. *Wallis. Vide Page 284 Sect. 2d.* > And now here at this day Videlicet etc. Came the aforesaid plaintiffe [*torn*] Attorney aforesaid to prosecute his Said Suite against the said Wallis. And the said [*torn*] being Solemnly called came not. Whereupon the plaintiffe prayed Day till [*torn*] Court to produce proof of his Debt according to the direction of an act of Assembly in that [*torn*] and Provided; Which was Granted the Same day is also given to the Defendante.

<294> <*Swann* v. *Butler. Vide page 285: Sect. 4.*> And now here at this day Videlicet etc. Came the aforesaid Thomas Swann in his own proper person and prayed discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore It is Consider'd that the Said Christopher Butler may goe from hence without day And the said plaintiffe may goe in Mercy and that he pay Costs alias Execution.

<*Hodges* v. *Roper. Vide page 285 Sect. 6.*> And now here at this day Videlicet etc. Came the aforesaid plaintiffe by Wm. Little his Attorney aforesaid to prosecute his Said Suite against the Said Thomas Roper.

And the Said Defendante (being Solemnly called) came not. And it being fully understood by the Justices of the Court here that the said Defendante is Dead. <*Dismist.*> Therefore It is Consider'd by this Court that the Said Suite be dismist and that the plaintiffe pay Costs alias Execution.

<*Wood* v. *Bate. Vide page 285 Sect. 7.*> And now here at this day Videlicet etc. Came the aforesaid James Wood by his Attorney aforesaid to prosecute his Said Suite against the said James Bate. And the said Defendante in his own proper person Comes and Saith nothing in Barr or avoydance of the Action of the aforesaid plaintiffe by which the aforesaid plaintiffe against the Said Defendante remain undefended.

<*Judgment.*> Therefore It is Consider'd that the aforesaid plaintiffe recover and have against the said Defendant the aforesaid Sum of Six pounds with Costs alias Execution. <*Execution* v. *Corpus Issued 21th Janr. 1722.*>

<*Ogilby* v. *Keefe. Vide page 287. Sect. 2d.*> And Now here at this day Videlicet etc. Came the aforesaid Patrick Ogilby by his Attorney aforesaid to prosecute his Said Suite against the Said Treadle Keefe.

And the Said Defendante by Thomas Henman his Attorney Comes and Saith nothing in Barr or Avoydance of the Action of the aforesaid plaintiffe by which the said plaintiffe against the said Defendante remain undefended. <*Judgment.*> Therefore It is Consider'd that the aforesaid plaintiffe recover and have against the Said Defendante the aforesaid Sum of nine pounds and Costs with Stay of Execution till the first day of January next. <*Execution* v. *Body Issued 10th Janry. 1722. Satisfaction made the 18th febr. 1722.*>

<*Badham* v. *Keefe. Vide page 287. Sect. 3d.*> And now here at this day Videlicet etc. Came the aforesaid William Badham in his own proper person to prosecute his Said Suite against the said Treadle Keefe.

And the Said Defendante by Thomas Henman his Attorney Comes and Saith nothing in Barr or Avoydance of the action of the aforesaid plaintiffe by which the Said plaintiffe against the Said Defendante remain undefended. <*Judgment.*> Therefore It is Consider'd that the aforesaid plaintiffe do recover and have against the Said defendante the aforesaid Sum of three pounds and Costs with Stay of Execution till the first day of January next. <*Execution Issued* v. *Body the 10th Janr. 1722. Satisfaction made the 28th Janr. 1722.*>

<*Boutineau* v. *Paquinet page 288 Sect. 1.*> And now here at this day Videlicet etc. Came the aforesaid Stephen Boutineau by Thomas Boyd his Attorney aforesaid to prosecute his Said Suite against the Said Paquinett.

<*Issue Joyn'd.*> And the said Defendante by William Little his Attorney Comes and defends the force and Injury when etc. and for plea Saith (Non est

factum) which Issue was Joyn'd by the plaintiffe and <*Respite*> hereupon by the Consent of both parties the said Cause is putt in respite till the Second day of the next Generall Court at which time the Marshall is Commanded to cause to Come twelve etc.

<*Palmer* v. *Cary page 288 Sect. 5. Attachment Cont.*> And now here at this day Videlicet etc. Came the aforesaid Robert Palmer by his Attorney aforesaid to prosecute his Suite aforesaid against the Said John Cary for the aforesaid Sum of One hundred pounds. And the Defendante (being Solemnly called) Came not Whereupon the plaintiffe aforesaid by his Said Attorney prayed Continuance of the Attachment Which was granted returnable to the next Court the last Tuesday in March next.

Howard v. West and Curlee Trover and Conversion return'd Executed and Agreed.

[*Torn*] John Nairne Assignee of Jacob Bracell Complaines against Thomas West in custody of the Marshall etc. of a plea that he render unto him the said plaintiffe the Sum of Fiffteen pounds Current money of North Carolina which he the said Defendante oweth and unjustly detaineth from him the Said plaintiffe to witt the twenty ninth day of September One thousand Seven hundred and twenty One at then Precinct of Chowan the Same being due by Obligation under the Defendante's hand Dated the Same day and Year payable to the Said Jacob Bracell or his Assignes and by Endorsement became <295> due to the plaintiffe which Bill and Endorsement is here in Court produced.

E. Moseley per plaintiffe pledges etc.

And the Said Defendante (being Solemnly called) came not; And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided etc.

And the Court here being inform'd that the aforesaid Edward Moseley the Attorney of the plaintiffe aforesaid is Sick and not able to attend; It is therefore Consider'd that the Cause be continued till the next Court on the last Tuesday in March next.

<*Nairne* v. *Molton.*> John Nairne otherwise called John Nairne of Chowan precinct complaines against John Molton in custody of the Marshall etc. of a plea that he the said Defendante render unto him the Said plaintiffe the Sum of Twelve pounds Sterling money of Great Brittaine etc. which he the Said Defendante owes and unjustly detaines from him the Said plaintiffe Videlicet the first day of October One thousand Seven hundred and twenty at the precinct of Chowan in the Province aforesaid the Same being due by bill or Writing Obligatory under the Defendante's hand and Seale dated the Same day and year and here in Court produced etc.

Edwd. Moseley pro plaintiffe pledges etc.

<*Continued.*> And the Said Defendante (being Solemnly called) came not; nor did the Marshall make returne of Bond or Security taken for the Said Defendante's Appearance as by Law he ought to have done; And the Court here being inform'd that the aforesaid Edwd. Moseley the Attorney of the said plaintiffe is Sick and not able to attend; It is therefore Consider'd that the Said Cause be continued till the next Court on the last Tuesday in March next.

<*Willson* v. *Bernard.*> William Willson by Thomas Henman his Attorney comes to prosecute his Suite against Samuel Bernard of Pasquotank in custody of the Marshall etc. of a plea that he the said Defendante render unto him the said plaintiffe the Sum of One hundred and Eight pounds one Shilling Sterling money of Great Brittaine which he the said Defendante owes and unjustly detains from him the Said plaintiffe (to witt) the fiffth day of April One thousand Seven hundred and twenty two at the precinct of Chowan the Same being due by Bill under the Defendante's hand Dated the Same day and year payable to the plaintiffe and here in Court produced etc.

And the Said Defendante (being Solemnly called) came not, nor did the Marshall make returne of Bond or Security taken for the Said Defendante's Appearance as by Law he ought to have done;

Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate;

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choice of an Order against the Marshall It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the Said Defendante at the next Generall Court to answer the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the said Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court; Which was Granted.

<*Clayton Assignee* v. *Porter etc. Executrix.*> Henry Clayton Esqr. Assignee of Capt. John Vennard by William Little his Attorney comes to prosecute his Suite against Joshua Porter and Katherine his Wife Executrix of the last Will and Testament of Tobias Knight deceas'd in Custody etc. of a plea that the defendante Should render to the plaintiffe the Sum of Six pounds twelve Shillings which being due to the plaintiffe the defendante unjustly detain for that videlicet In Carolina aforesaid on the fourteenth day of March Anno Domini One Thousand Seven hundred and fourteen the said Tobias Knight by his certain Writing under his hand dated at the Same time and here in Court produced did promise to pay to the Said John Vennard or Order the said Sum of Six pounds twelve shillings when he Should be thereunto required; Yett neither the said Tobias [*torn*] in his life time nor his Said Executrix at any time Since hath ever paid the Same [*torn*] John Vennard nor to the said Henry Clayton to whom the Same was assigned and Order'd [*torn*] became due but the Same to pay do unjustly deny and refuse tho' often requested to [*torn*] damage Ten Pounds and therefore he brings this Suite etc. And the Said Defendante (being [Solemnly] <296> Called) and the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as Directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the Goods and Chattells of the said Defendante's thereby to compell them to appear and answer to the suite of the said plaintiffe returnable the next Court on the last Tuesday in March next.

<*Allen* v. *Burnell.*> George Allen of the Colony of Virginia by Thomas Henman his Attorney comes to prosecute his Suite against John Burnell of Chowan precinct in Custody etc. of a plea that he render unto him the said plaintiffe the Sum of fourteen pounds Seventeen Shillings and five pence halfe peny Carolina money which he the Said Defendante owes and unjustly detains from him the said plaintiffe Videlicet the Fiffth day of March One thousand Seven hundred and twenty One at the precinct of Chowan in the province aforesaid the same being due by Bill or Writing Obligatory under the Defendante's hand and Seale dated the same day and year payable to the plaintiffe or his Order and here in Court produced etc. And the said John Burnell (being Solemnly called) came not; Whereupon the Marshall making returne of Thomas Peirce Security for the said Burnell as by the Baile Bond here in Court produc'd appeareth And the plaintiffe aforesaid was putt to his Choyce either to have an Order against the Security with Stay of Execution till the next Court, Or an Attachment against the Said Defendante's Estate; And the plaintiffe aforesaid making Choyce of an Order against the Security: <*Order* v. *Security.*> Judgement is therefore Granted against the said Thomas Peirce for the said Sum of fourteen pounds Seventeen Shillings and four pence halfe peny with Stay of Execution till the next Court.

Whereupon It is further Order'd that the said Thos. Peirce have the body of the said John Burnell at the next Court to answer the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the said Thos. Peirce for the Debt aforesaid and Costs.

Worley v. Rasberry Case. Return'd Executed and is now discontinued at the request of the plaintiffe.

<*West administratrix* v. *Molton.*> Martha West Administratrix to the Estate of Thomas West late Treasurer of Chowan precinct deceased whose power of Administration granted is here in Court produced complaines against John Molton Senior by William Little her Attorney of a plea that he the said Defendante Should render to the plaintiffe the Sum of three pounds and fiffteen Shillings which being due he the said Defendante unjustly detaines for that Videlicet at Chowan aforesaid on the twenty first day of October One thousand Seven hundred and twenty one he the Defendante by his Writing Obligatory under his hand dated at the same time and here in Court produced did oblige himself to pay to the said Thomas West Treasurer the Said Sum of three pounds and fiffteen Shillings (being due for his publick Tax) when required Yet he the defendante the Said Sum hath not paid neither to the said Thos. West in his life nor to the plaintiffe his Administratrix at any time Since tho' often requested but the Same to pay Still denyes and refuses to the damage of the said Martha Administratrix as aforesaid three pounds fiffteen Shillings and therefore she brings this Suite etc.

<*Order* v. *Marshall.*> And the said Defendante (being Solemnly called) came not, nor did the Marshall make returne of Bond or Security taken (as by Law he ought to have done) for the Said Defendante's appearance; Wherefore the plaintiffe was putt to her Choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate: And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the Marshall of the County of Albemarle

have the body of the said Defendante at the next Generall Court to answer the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the aforesaid Marshall for the aforesaid Debt and Costs. Whereupon the Said Marshall prayed an Attachment against the Estate of the Said plaintiffe for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court Which was Granted.

<297> <*West Administratrix* v. *Blackman.*>Martha West Administratrix of the Estate of Thomas West late Treasurer of Chowan precinct deceas'd whose power of Administration Granted in here in Court produc'd by William Little her Attorney complaines against John Blackman in Custody etc. of a plea that the said John Should render to the plaintiffe the Sum of fourty Shillings Sterling and five Shillings Current money of this Colony which being due he the Said Defendante unjustly detaines for that Videlicet at Chowan aforesaid on the eighth day of October one thousand Seven hundred twenty and one he the Defendante by his Writing Obligatory under his hand dated at the Same time and here in Court produced did oblige himself to pay to the said Thomas West Treasurer the Said Sum of forty Sterling and five shillings Current money being for his poll and Land Tax when required yet she the Defendante the said Sums hath not paid neither to the Said Thomas West in his life time nor to the plaintiffe his Administratrix at any time Since tho' often requested but the Same to pay Still denyes and refuses to the damage of the Said Martha West Administratrix as aforesaid five pounds and therefore she brings this Suite etc.

And the said John Blackman (being Solemnly called) Came not Whereupon the Marshall making returne of Daniel Mcdaniel Security for the Said Blackman as by the Baile Bond here in Court produced appeareth; And the said plaintiffe was putt to her choyce either to have an Order against the Security with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate; And the plaintiffe making choyce of an Order against the security; <*Order* v. *Security*> Judgement is therefore Granted against the Said Mcdaniel for the said Sum of five pounds with Stay of Execution till the next Court.

Whereupon it is further Order'd that the said Daniel Mcdaniel have the body of the said John Blackman at the next Court to answer the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the said Mcdaniel for the Debt aforesaid and Costs.

<*Speir* v. *Roades.*> John Speir by William Little his Attorney comes to prosecute his Suite against William Roades of a plea that the Defendante Should render to the plaintiffe the Sum of Two pounds One Shilling and three pence for to witt Whereas the Said Defendante being indebted to the plaintiffe the said Sum of Two pounds One Shilling and three pence for Stuff, Linen, buttons and other Goods amounting in the whole to the said Sum as by the Account of particulars here in Court produced appears he the Defendant the said Sum assum'd to the plaintiffe to pay yet nevertheless the said Defendante his Said Assumption not regarding the said Sum due as aforesaid to the plaintiffe hath not paid but unjustly denyes and refuses tho' often there to requested to the plaintiffe's damage five pounds and therefore he brings his Suite etc.

And the said Defendante (being Solemnly called) came not; nor did the

Marshall make returne of Bond or Security taken for the Said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate. <*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the Said Defendante at the next Generall Court to answer the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the said Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court; Which was Granted.

Ogilby v. Price Case. Return'd Agreed.

<*Pugh* v. *Roades.*> Theophilus Pugh Merchant Complaines of William Roades in the Custody of the Marshall in a plea of the Case etc. And whereupon the said plaintiffe by Thomas Swann Attorney Complaines for that whereas the said plaintiffe the thirtieth of July One thousand Seven hundred and Fiffteen at the Speciall instance and request of the said Defendante Sold and deliver'd to [*torn*] Defendante divers good wares and Merchandize to the value of twelve hundred twenty three and an half pounds [*torn*] Merchantable a particular account whereof is filed in Court and here with produced and the said [*torn*] and there (videlicet) on the aforesaid thirtieth day of July on himself did assume and to the aforesaid [*torn*] when thereunto required wou'd will and truly pay and content Nevertheless the aforesaid [*torn*] little regard to his aforesaid promise and Assumption but deceitfully and fraudulently [*torn*] <298> him the said plaintiffe in that part Subtilly to deceive and defraud of the aforesaid Twelve hundred twenty three and an halfe pounds of Tobacco has not paid the Same as he ought to have done altho' he has been often thereunto requested but hitherto hath refused and Still doth refuse to pay the same to him the said plaintiffe whereupon he saith he is damnyfyed and has damage to the value of twelve pounds Sterling and thereupon he brings this Suite etc.

And the Said Defendante (being Solemnly called) came not, nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall.

<*Order* v. *Marshall.*> It is therefore Order'd that the said Marshall of Albemarle County have the body of the said Defendante at the next Generall Court, Otherwise Judgement to be confirm'd against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the said Marshall prayed an Attachment against the Estate of the Said Defendante for the Debt and Costs aforesaid So as to compell him to appear and answer the aforesaid plaintiffe at the next Court, Which was Granted.

Yelverton v. Coward Case return'd Copy Left etc. Agreed.

Stonor v. Robinson Case return'd Copy left. Alias to Issue.

<*Howcott Assignee* v. *Thickpen.*> Edward Howcott Assignee of John Keaton comes to prosecute his Suite against James Thickpenn by Thomas Henman his Attorney of a plea that he the said Defendante render unto him the said plaintiffe the just Sum of two thousand pounds of Tobacco in Cask which he the said Defendante owes and unjustly detaines from him the said plaintiffe the same being due by Bill under the Defendante's hand dated the nineteenth day of April One thousand Six hundred ninety two here in Court produced payable to the said Keaton in manner following (that is to Say) One thousand in October then next ensuing the date of the said Obligation the other thousand on the first day of October in the year One thousand Six hundred ninety three at a Convenient Landing in the County of Nansemond at two equall payments as aforesaid and by the said Keaton assigned to the plaintiffe which assignment is also here in Court which Said Sums of Tobacco or either of them the Defendante hath not paid or any part thereof altho' often required by the plaintiffe to pay the Same but hath always refused and denyed So to do to the plaintiffe's damage two thousand pounds of good merchantable Tobacco and Caske convenient to a Landing in Nansemond County and therefore he brings this Suite etc.

And the said Defendante (being Solemnly called) came not, And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiffes Motion that an Attachment be issued out against the Goods and Chattells of the said James Thickpenn thereby to compell him to appear and answer to the suite of the said plaintiffe returnable to the next Court on the last Tuesday in March next.

<*Lathinghouse* v. *Palmer.*> Andrew Lathinghouse by Thomas Henman his Attorney comes to prosecute his Suite against Paul Palmer and Joanna his Wife of a plea of Tresspass on the Case for that to witt that whereas the Said Joanna whilst She was sole to witt the first day of March in the year of Our Lord One thousand Seven hundred and Seventeen at the precinct of Chowan was indebted to the said plaintiffe the Sum of ten pounds Sterling for building one brick Chimney and doing and performing divers other workes and labours for her the said Joanna whilst She was Sole at her Speciall instance and request, In Consideration whereof She the said Joanna whilst She Sole to witt the said first day of March in the year aforesaid at the place aforesaid assumed upon her Selfe and to the said plaintiffe then and there faithfully promised that She the said Joanna wou'd well and truly content and pay the like Sum of ten pounds Sterling [*torn*] the plaintiffe when he should require it, And also the said plaintiffe the day year and place aforesaid at the like Speciall instance and request of her the said Joanna whilst She was Sole did build and erect one other Brick Chimney and did do and performe divers other Workes and Labours for her the Said Joanna whilst She was Sole In Consideration whereof She the Said <299> Joanna whilst she was Sole (to witt) the day and year aforesaid at the precinct of Chowan aforesaid assum'd upon her Selfe and to the Said plaintiffe then and there faithfully promised that She the said Johanna would well and faithfully content and pay unto

him the Said plaintiffe So much money as he the said plaintiffe for building the said Chimney and for his other worke and labour Should reasonably deserve, And the plaintiffe in fact Saith that he reasonably deserves the like Sum of ten pounds Sterling for building the said Chimney and doing and performing the said Work and Labour And Also the Said plaintiffe Says that the Said Joanna whilst She was Sole (to witt) the day year and place aforesaid was indebted the Sum of ten pounds Sterling by Account which Account is here in Court produc'd Which Said Severall Sums of Ten pounds Sterling abovemention'd were not paid nor any part thereof by the Said Joanna whilst She was Sole nor hath the said Paul Since their Inter Marriage paid the Same altho thereto often required by the plaintiffe So to do but have always denyed and as yet doth deny the same to the damage of the plaintiffe ten pounds Sterling and therefore he brings Suite etc.

<*Continued by Consent.*> And the Said Defendante's by Thomas Swann their Attorney appear'd And hereupon by the Consent of both parties the Said Cause is putt in respite till the next Court on the last Tuesday in March next.

Onwin v. Grimes Trover and Conversion. Security taken. Retraxit.

<*Porter and Uxor Executrix* v. *Williamson.*> Joshua Porter and Katherine his Wife late Katherine Knight Executrix of the last Will and Testament of Tobias Knight deceased by Thos. Henman their Attorney comes to prosecute their Suite James Williamson of a plea of Tresspass on the Case for that (to witt) that whereas the said Defendante the first day of October One thousand Seven hundred and nineteen at the precinct of Chowan had and received for the use of the said Tobias in his life time (to witt) the day year and place aforesaid the Sum of Eight pounds nine Shillings and eight pence Current money and having So received the same the said Defendante in Consideration there of did assume upon himself and to the said Tobias in his life time (to witt) the day and year aforesaid at the place aforesaid faithfully promised that he the said Defendante the said Sum of eight pounds nine Shillings and Eight pence to him the said Tobias in his life time he the said Defendante would well and faithfully content and pay And also the said plaintiffe's Say that the said Defendante unjustly detaines from them the like Sum of eight pounds nine Shillings and Eight pence which was due to the said Tobias in his life time (to witt) the day and year aforesaid at the place aforesaid by Account here in Court produc'd which the Defendant also faithfully assumed and promised to pay Nevertheless the said Defendante not regarding his Said promises and Assumptions but fraudulently intending to deceive and defraud the said Tobias in his life time and the plaintiffe's Since the death of the said Tobias hath not paid the said Sums or either of them or any part thereof altho' often required by the said Tobias in his life time and the plaintiffe's Since his death but hath always refused and denyed and as yet doth refuse and deny So to do to the damage twelve pounds Current money and therefore they bring their Suite and bring here into Court the Letters Testamentary by which it may appear to the Court here that She the said Catherine is Executrix of the said Tobias etc.

<*Imparlance.*> And the said Defendante by William Little his Attorney prayeth Lycence to imparle untill the next Court to be held the last Tuesday in March next following to answer the said plaintiffe of the plea aforesaid and he hath it the Same day is also given to the plaintiffe.

Hill Executor v. Herrington Tresspass on the Case. Return'd non est inventus. Discontinued per plaintiffe.

Maule v. Cramond Case return'd non est inventus. Discontinued per [plaintiffe.]

Maule Assignee v. Cramond Debt return'd non est inventus. Discontinued [*torn*].

<*Kirby* v. *Jessop.*> Edmund Kirby complains against Joseph Jessop in custody etc. of a plea [*torn*] Said Defendante render unto him the Said plaintiffe One young Negro man Slave Sound and [*torn*] Cajou of the price of eighty pounds Sterling which he the said Defendante unjustly [*torn*] him the Said plaintiffe for that he the Said plaintiffe the first day of April One thousand [*torn*] <300> hundred and twenty at the precinct of Chowan was possess'd of the said Negro as his own proper Negro which Negro he the said plaintiffe the day year and place aforesaid out of his hands and possession casually did loose, And which Negro Since is (to witt) this twentieth day of the Said April at the place aforesaid come to the hands and possession of the Defendante And which Negro the plaintiffe hath often required the Said Defendante to deliver but he hath always refused and Still doth refuse and unjustly detaine the said Negro to the plaintiffe's damage One hundred and twenty pounds Sterling and therefore he brings Suite etc.

Henman for the plaintiffe

<*Imparlance and Rule to plead.*> And the said Defendante by Thomas Swann his Attorney comes and prays Lycence to imparle untill the next Court on the last Tuesday in March next following and he hath it the same day is also given to the defendante. Whereupon It is made a Rule of this Court that the said Defendante Shall appear at the next Court and plead an Issuable plea.

<*Pettiver* v. *Gray.*> John Pettiver comes to prosecute his Suite against Thomas Gray of a plea that he the said Defendante render unto him the said plaintiffe the Sum of thirteen pounds Sterling money of Great Brittain which he the said Defendante owes and unjustly detaines from him the said plaintiffe Videlicet at Chowan the twenty Seventh day of September One thousand Seven hundred and twenty due by Obligation under the hand of the Defendante dated the same day and year and here in Court produced etc.

And the said Defendante (being Solemnly Called) came not, And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the Goods and Chattells of the said Thomas Gray thereby to compell him to appear and answer to the suite of the said plaintiffe returnable to the next Court on the last Tuesday in March next.

Dowers v. Minge Debt: no Returne (the Provost Marshall being Sick) Continued.

Idem v. Eundem Debt: no Returne (the Provost Marshall being Sick) Continued.

<*Mackley* v. *Turnedge.*> John Mackley of Chowan precinct Butcher Complaines against George Turnedge of the Same precinct planter in Custody of the

Marshall etc. of a plea that he the said Defendante render unto him the said plaintiffe the Sum or quantity of eight barrells of good and merchantable Tarr which he the said Defendante oweth and unjustly detaineth Videlicet the thirty first day of March in the year of our Lord One thousand Seven hundred and twenty two at the precinct of Chowan aforesaid the Same being due by Bill or Writing Obligatory under the defendante's hand dated the twenty Sixth day of January One thousand Seven hundred and twenty One payable to the plaintiffe or his Order and here in Court produced etc.

<*Cont. the plaintiffe being Sick.*> And the said Defendante (being Solemnly called) came not, And the Court here being inform'd that the aforesaid plaintiffe is Sick and cannot attend, It is therefore Consider'd that the said Cause be continued till the next Court on the last Tuesday in March next.

<*Peake* v. *Ward Senior.*> James Peake of Chowan precinct Complaines against John Ward Senior of the Same precinct in custody of the Marshall etc. of a plea that he the said Defendante render unto him the said plaintiffe the Sum of five pounds Fifteen Shillings in good Merchantable pitch which he the said Defendante Oweth and unjustly detaineth Videlicet the twentieth day of July One thousand Seven hundred and twenty One at the precinct of Chowan aforesaid the Same being due by Bill under the Defendante's hand dated the Nineteenth day of April One thousand Seven hundred and twenty One payable to the plaintiffe or his Assignes and here in Court produced etc. And the said Defendante in his own proper person comes and Saith nothing in Barr or avoydance of the Action of the plaintiffe aforesaid by which the aforesaid plaintiffe against the said Defendante remaine undefended; It is therefore Consider'd that the aforesaid plaintiffe recover and have of the said Defendante the aforesaid Sum of five pounds Fiffteen Shillings in pitch and Costs with Stay of Execution for twenty One dayes.

<301> <*Henman* v. *Thomas.*> Thomas Henman in his own proper person comes to prosecute his Suite against Francis Thomas of a plea that the said Defendante render to him the said plaintiffe the Sum of two pounds ten Shillings Sterling money of Great Brittain which he the said Defendante owes and unjustly detains from him the said plaintiffe (to witt) the thirteenth day of April One thousand Seven hundred and twenty at the precinct of Chowan the Same being due by Bill under the Defendante's hand dated the same day and year and here in Court produced etc.

<*Judgement.*> And the Said Defendante in his own proper person comes and Sayth nothing in Barr or avoydance of the Action of the plaintiffe aforesaid by which the aforesaid plaintiffe against the said Defendante remains undefended;

It is therefore Consider'd that aforesaid plaintiffe recover and have of the Defendante aforesaid the Said Sum of two pounds ten Shillings Sterling money with Costs alias Execution. <*Execution* v. *Body Issued 25 Janr. 1722 returned and Satisfaction made Testis W B Clericus Curiae Generalae.*>

Henman v. Simpson Debt: return'd, Copy left. Alias to issue.

<*Benbury* v. *peter Isaac Jesee.*> William Benbury by Thos. Henman his Attorney comes to prosecute his Suite against Peter Isaac Jesee Burton of a plea of Tresspass on the Case for that he the Said plaintiffe is and from his Nativity

hitherto always was a man of good and honest fame name conversation and repute and as a just and true Subject of Our Lord the King that now is without any harm or charge of any Larceny Felony Robbery Theft or other Roguery falsity or other Crime whatsoever demean'd Govern'd and behav'd himself amongst and towards his Neighbors and others lawfull and honest Subjects of Our Sovereign Lord the King that now is and his progenitors Kings and Queens of England etc. and of this Government and without being guilty of the breach of any of the penall Laws or Acts of Assembly of this Government and always had the good will esteem Love and good Character of his Neighbours and others without ever being by any One thought or Said to be guilty of any of the abovesaid Crimes; Nevertheless the said Defendante not being ignorant of the premises out of an evil and wicked designe malitiously and invidiously intending not only to injure hurt and ruine the Said plaintiffe in his good name fame and reputation and to bring him into disgrace Scorne Shame and hatred amongst his good and loving Neighbours and friends but also to bring him the said plaintiffe into apparent danger of the Laws and Statutes of Great Brittaine and the severe penalties of the Laws of this Government and trouble and prosecution by Virtue of the Same he the said Defendante did on the twenty fiffth day of September One thousand Seven hundred and twenty two at the precinct of Chowan in the presance and hearing of divers persons good and honest Subjects of Our Said Lord the King that now is to the said plaintiffe and of the said plaintiffe with a loud Voyce openly publickly maltitiously and invidiously Speak publish and declare the false feigned opprobious Scandalous and malitious words following (to witt) you (the said plaintiffe meaning) killed a wild hogg upon my Land (meaning the Land of the Defendante) and you (meaning the plaintiffe) are an hoggstealer and I (meaning the defendante) can prove it. And also the Said Defendante afterwards (to witt) the day and year aforesaid at the place aforesaid having a talk and discourse with Severall good and honest Subjects did publickly falsely and malitiously of the said plaintiffe to the said Subjects malitiously Speak the false and malitious words following (to witt) He (meaning the plaintiffe) killed a wild hogg upon my Land and he (meaning the plaintiffe) is an hogg Stealer and I (meaning the Defendante) will prove it by reason of Speaking of which Said Scandalous malitious and evill words by the defendante of the plaintiffe in manner and form aforesaid the plaintiffe is not only brought into great Scandall Envy Shame and hatred amongst his Neighbours and friends but is greatly in danger of being prosecuted by virtue of the Laws of this Government and of Great Brittain to his the said plaintiffes damage [*torn*] hundred pounds and therefore he brings this Suite etc.

<*Demurrer.*> And the said Peter by Thomas Swann his Attorney Comes and defends the force and Injury [*torn*] and Saith that for the manifold insufficiencys imperfections and uncertainties in the plaintiffes Declaration [*torn*] matter therein contained he this Defendante cannot neither by the Law of the Land is he held to answer thereunto and this he is ready to verifie and for Causes of Demurrer assignes these [Several] reasons; Videlicet for that the plaintiffe hath not alledg'd any words in his Declaration that are [*torn*] <302> The Words (You killed a Wild Hogg upon my Land and you are an Hoggstealer and I can prove it) being all that is alledg'd in the plaintiffe's Declaration against the Defendante

they impart Something in Generall but in particular nothing: for the killing or Stealing a Wild hogg is but a tresspass and no felonious prosecution can be had thereon; Wherefore for want of a Sufficient Declaration and Sufficient matter there in contained he this Defendante prays Judgement if the plaintiffe aforesaid his Action aforesaid by the Law ought to have and maintaine etc.

<*Demurrer overruled. Venire.*> Which Demurrer being Joyn'd by the plaintiffe and the Arguments on both Sides being heard and duly Consider'd by the Court here the Said Demurrer was thereupon Overuled, And because by the Court here it doth not appear what damages the said plaintiffe hath Sustained by reason of the tresspass aforesaid, therefore It was Commanded the Marshall that he cause to come twelve etc. on the Second day of the next Generall Court to inquire of the damages aforesaid.

<*Maglaughan* v. *Kitterill.*> James Maglaughan by Thomas Henman his attorney Comes to prosecute his Suite against Jonathan Kitterill Senior of a plea of Tresspass on the Case for that he the said plaintiffe is and from his Nativity hitherto always was a Man of good and honest fame Name and Conversation and Repute and as a Just and true Subject of Our Lord the King without any harme or charge of any Larceny Robbery Felony Theft or other Roguery Falsity or other Crime whatsoever carryed governed and behaved himselfe amongst and towards his Neighbours and others lawfull and honest Subjects of Our Sovereign Lord the King that now is and his progenitors Kings and Queens of Great Brittaine and of this Government and always had the love and good will of his Neighbours and others without ever being by any one thought or said to be Guilty of any of the abovesaid Crimes Nevertheless the said Defendante not being ignorant of the premises out of an evil and wicked designe malitiously and invidiously intending not only to injure hurt and ruine the plaintiffe in his good Name Fame and Reputation and to bring him into disgrace Scorne and hatred amongst his good honest and loving Neighbours and friends, but also to bring him the said plaintiffe into apparent danger of loosing his life and Estate and trouble and prosecution for the same he the said Defendante did on the first day of September One thousand Seven hundred and twenty two at the precinct of Chowan in the presence and hearing of many and divers persons good and honest Subjects of Our Said Lord the King that now is to the Said plaintiffe and of the Said plaintiffe with a loud voyce openly publickly malitiously and invidiously Speak publish and declare the false feigned and opprobious Scandalous and Malitious words following (to Witt) You (the Said plaintiffe meaning) are a Rogue and a theif and I will prove it. And also the said Defendante afterwards (to witt) the day and year aforesaid at the place aforesaid having a talk and discourse with Severall good honest Subjects did publickly and malitiously of the said plaintiffe to the said Subjects malitiously Speak the false and malitious Words following (to witt) He (meaning the said plaintiffe) is a Rogue and a theif and I (meaning the Defendante) will prove it, by reason of Speaking of which Said Scandalous malitious and evil words by the Defendante of the plaintiffe in manner and forme aforesaid the plaintiffe is not only brought into great Scandall envy and hatred amongst his Neighbours and friends but is greatly in danger of being prosecuted for his Life and Estate to his the said plaintiffe's damage One hundred pounds and therefore he brings this Suite etc.

And the said Defendante (being Solemnly called) came not, nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done, Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendante's Estate. And the plaintiffe aforesaid making Choyce of an Order against the Marshall, <*Order* v. *Marshall*> It is therefore Order'd that the Marshall of Albemarle County have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. Which was Granted.

<*Branch* v. *Story.*> Margarett Branch by Thomas Henman her Attorney comes to prosecute her Suite against Thomas Story of a plea that he render unto her the said plaintiffe the Sum of Eight pounds Seventeen Shillings and three pence which he the Said Defendante oweth and unjustly detaineth Videlicet the <303> Eighteenth day of August One thousand Seven hundred and twenty two at the precinct of Chowan in the province aforesaid the Same being due by Bill or Writing Obligatory under the hand of the Defendante dated the same day and year payable to the plaintiffe and here in Court produced etc.

And the said Defendante in his own proper person Comes and Sayth nothing in Barr or Avoydance of the Action of the plaintiffe aforesaid By which the aforesaid plaintiffe against the Said Defendante remains undefended; It is therefore Consider'd that the aforesaid plaintiffe do recover and have of the Defendante aforesaid the said Sum of Eight pounds Seventeen Shillings etc. three pence with Costs alias Execution. <*Execution Issued* v. *Body 15 Janry. 1722.*>

<*Peirce* v. *Webster.*> Thomas Peirce Junior by Thomas Henman his Attorney Comes to prosecute his Suite against William Webster of a plea that he the Said Defendante render unto him to the said plaintiffe the Sum of Fiffteen pounds ten Shillings and Seven pence Sterling money of Great Brittain which he the said Defendante owes and unjustly detains from him the Said plaintiffe Videlicet the thirteenth day of August One thousand Seven hundred and nineteen due by Bill under the Defendante's hand dated the Same day and year and herein Court produced etc.

And the Said Defendante (being Solemnly called) came not, Nor did the Marshall make returne of Bond or Security taken for the said Defendante's Appearance as by Law he ought to have done. Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate. <*Order* v. *Marshall.*> And the plaintiffe aforesaid making Choyce of an Attachment against the Defendante's Estate. <*Attachment.*> Order'd that an Attachment be made out according to the prayer of the plaintiffe thereby Commanding the Marshall to attach So much of the estate of the Said Webster as will Compell him to appear at the next Court to answer the plaint aforesaid.

Dowers v. Herrington Debt. Return'd non est inventus. Discontinued.

<*Hawkes* v. *Pettiver.*> Seth Hawkes Complaines against John Pettiver in Custody etc. of a plea of the Case for that to witt that whereas the said Defendante Stands Justly indebted to the plaintiffe the Sum of thirteen pounds Eleven Shillings and Six pence (to witt) the twenty Second day of December One thousand Seven hundred and nineteen at the precinct of Chowan in the Province aforesaid which the defendante promised to pay to the plaintiffe the Same being due by Account dated the Same day and year here in Court produced etc.

And the said Defendante (being Solemnly called) came not; And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the Goods and Chattells of the said Defendante thereby to compell him to appear and answer to the Suite of the said plaintiffe returnable to the next Court the last Tuesday in March next.

<*Luton* v. *Hicks.*> Henderson Luton Complaines against Robert Hicks etc. for that Thomas Luton of the precinct of Chowan and province aforesaid Gentleman the first day of this Instant October had demised to the Said Henderson One Mannor house One Kitchen One Barne One Stable One Garden One Orchard thirty Acres of Arable plow Land Seventeen Acres of Meadow Land Seventy Acres of pasture Land and three hundred and twenty three acres of Wood Land Ground amounting in the whole to the Quantity of four hundred and forty Acres with the appurtenances Scituate lying and being on Chowan Sound known by the name of Sandy poynt plantation To have and to hold to him the said Henderson and his Assignes from the first day of this Instant October for the term of ten whole Years thence next ensuing. By Virtue of which Demise the said Henderson Luton afterwards (to witt) on the Second day of this Instant October into the said Land and Demised premises with the Appurtenances did enter and was thereof possess'd untill the said Robert Hicks afterwards to witt on the third day of this Instant October with force and armes etc. into the aforesaid Demised premises in and upon the possession of him the Said Henderson his term thereof not then or as yet <304> Expired did break and enter and him the Said Henderson Luton from his Messuage Plantation and farm aforesaid did Eject Expell and Amove and him So removed with like force and armes etc. he did and Still hold out and other Injuries to him the Said Henderson Luton then and there he did and offer'd against the peace of Our Sovereign Lord the King that now is and to the damage of the said Henderson One thousand pounds Sterling and thereupon he brings this Suite etc.

<*Notice.*> Mr. Thos Lovick you may perceive by the within Declaration that I am Sued for the Land and premises in Your possession to the which I have no title therefore if you have any right of Claime thereto you must appear at the next Generall Court to be held at Edenton the last Tuesday in this Instant October to make your defence Otherwise I shall Suffer Judgment to pass by default and you will be turn'd out of possession.

To Mr. Thos. Lovick Tenant in possession of the premises in Question — Your freind — Robt. Hicks

<*Oath to the Service.*> Robert Hicks in Open Court made Oath that he Serv'd Thos. Lovick Tenant in possession of the premises with a Copy of this Declaration and the Subscription or Notification thereon on Saterday the twentyeth of October One thousand Seven hundred and twenty two about Noone and the Said Thos. Lovick in Court confes't that he received and read the Same.

<*Pollock's Admitted Defendante's.*> Thereupon appeared in Court Thomas pollock and Cullen Pollock Esqrs. and George pollock Gentleman who claimed title to the premises and prayed to be admitted Defendante's in the room of the Casuall Ejector which was allow'd Thereupon It is Order'd by the Court with the Consent of both parties that the said Thomas Pollock Cullen Pollock and George Pollock become defendante's in the room of the Casuall Ejector and that they appear forthwith to the suite of the plaintiffe and shall receive the Declaration and Shall plead thereto forthwith (Not Guilty) and on the tryall of the Issue Shall confess Lease Entry and Ouster and Insist on the Title only otherwise Judgement Shall be entred up for the plaintiffe against the said Robert Hicks Casuall Ejector and Defendante in the Declaration by Default.

<*Plea. Issue Joyn'd.*> And the said Thomas Pollock Cullen Pollock and George Pollock by Daniel Richardson their Attorney comes and defends the force and Injury when etc. and Sayes that they are no wayes Guilty as the aforesaid Henderson Luton above against them Complaines and of this they putt themselves upon the Country etc.

Danl. Richardson per Defendante's
and in like manner Wm. Little for the plaintiffe

<*Venire.*> Therefore It is Commanded the Marshall that he cause to come on the third day of the next Generall Court by nine of the Clock in the forenoon twelve etc. by whom etc.

<*Harrys* v. *Frank.*> Thomas Harrys by William Little his Attorney comes to prosecute his Suite against Martin Frank of a plea that the Defendante Should render to the plaintiffe the Sum of One hundred and Six pounds ten shillings and Six pence which he owes and unjustly detaines for that the Defendante aforesaid on the fourteenth day of May One thousand Seven hundred and Eighteen by a writing Obligatory under his hand of the Same Date in Court produced did oblige himself to pay to the plaintiffe the Sum of Fiffty three pounds five Shillings and three pence on Account of James Tooke Merchant (now deceased) on or before the first day of October then next ensuing under the penaltie of One hundred and Six pounds ten Shillings and Six pence to be paid on failure to the Said Thomas Harrys his Executors or Administrators Now the plaintiffe in fact Sayth that the Defendante did not pay the said Sum of Fiffty three pounds five Shillings and three pence to the plaintiffe on or before the said first day of October nor at any time Since whereby the said penalty hath accrued to the plaintiffe to have and recover of the Defendante the said Sum of One hundred and Six pounds ten Shillings and Six pence which the Defendante hath denyed to the plaintiffe to pay and Still denyes and refuses tho' often requested ad Damnum ten pounds and therefore he brings this Suite etc.

And the said Defendante (being Solemnly called) came not Nor did the Marshall make returne of Bond or Security taken for the said Defendante's Appear-

ance as by the Law he ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment <305> Against the Defendante's Estate. And the plaintiffe aforesaid making Choyce of an Order against the Marshall. <*Order* v. *Marshall.*> It is therefore Order'd that the provost Marshall of the County of Bath have the body of the said Defendante at the next Generall Court to answer the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the aforesaid Marshall for the Debt aforesaid and Costs. <*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. Which was Granted.

Harrys v. Keith Case. Returned Executed. Discontinued per plaintiffe.

<*Harrys* v. *Ilee.*> Thomas Harrys by Thomas Boyd his Attorney comes to prosecute his Suite against Nicholas Ilee of a plea that he render unto him the full and Just Sum of One hundred pounds Sterling which to him he owes and unjustly detaines etc. And Whereupon the Same Thomas by his Attorney aforesaid Saith that Whereas the aforesaid Nicholas the tenth day of October in the year of Our Lord One thousand Seven hundred and nineteen by his certain Writing Obligatory did granted himself to be bound to the same Thomas Harrys in the aforesaid One hundred pounds to the which payment well and truly to be made and done to him his heirs Executors Administrators or Assignes at or upon the first day of April in the year of Our Lord God Seventeen hundred twenty One the aforesaid Nicholas did bind himselfe his heirs Executors and Administrators by the Same Writing Notwithstanding the aforesaid Nicholas the aforesaid One hundred pounds to the same Thomas Harrys altho often Demanded he hath not as yet render'd it, but the Same hitherto hath denyed to pay and as yet denyeth: Whereupon he Saith that he is damnyfyed and damage hath to the value of One hundred pounds of the like money and thereof he brings this Suite etc. And he bringeth here into Court the Writing aforesaid Signed with the proper hand and Sealed with the seale of the said Nicholas which testifie the Debt aforesaid in form aforesaid the Date whereof is the day and year aforesaid etc.

<*Plea.*> And the said Defendante by Thomas Swann his Attorney Comes and defends the force and injury when etc. and for plea Saith (Non est factum) and for tryall thereof putts himselfe upon the Country.

<*Respite.*> And hereupon by the Consent of both parties the sayd Cause is putt in respite till the third day of the next Generall Court at which time the Marshall is Commanded to cause to come twelve etc. by whom etc.

<*Metcalfe and uxor* v. *Miller, Sheets and Willson.*> Caleb Mettcalfe and Ann his Wife Complaines by Thomas Boyd their attorney against Jacob Miller Jacob Sheets and William Willson planters in Custody of the Marshall etc. in a plea of tresspass for Assault and Battery and false Imprisonment for that the said Defendante's on the Eleventh day of June in the Year One thousand Seven hundred twenty two with force and Armes upon the aforesaid Ann at Craven precinct in Bath County an Assault did make and her the said Ann did then and there beat batter bruise Stripe Whip Imprison and evily handle and her there in prison against the Laws and Customs of this Land and of the Kingdom of Great Brittaine

a long time did keep that is to Say by the space of Six hours then next following detained, So that of her life almost it was despaired and other enormitys to her did do and cause to the Greivious damage of the Said plaintiffe's three hundred pounds Current money and Contrary to the peace of Our Sovereign Lord the King etc.

Thos. Boyd for the plaintiffe

<*Plea. Issue Joyn'd.*> And the Said Defendante's by Thomas Swann their Attorney Comes and defends the force and Injury when etc. and for plea Saith (Not Guilty) and for tryall thereof putts themselves upon the Country.

Thos. Swann per Defendante

And the plaintiffe in like manner Thos. Boyd per plaintiffe

<*Respite.*> And hereupon by the Consent of both parties the said Cause is put in respite till the next Court on the last Tuesday in March next. At which time the Marshall is Commanded to cause to come twelve etc. by whom etc.

<*Evidence petition.*> On the petition of Francis Brice and John Slocomb praying to be allow'd for their Attendance etc. as Evidences in the Said Suite. Order'd that the Said plaintiffe's pay the said Fra. Brice and the said John Slocomb Fiffty Shillings Each for their Attendance etc. alias Execution. <*Deposition taken.*> And then by Consent of the Attorneys on both Sides the Depositions of the Said Francis Brice and John Slocomb were taken in Open Court and agreed to be admitted as Evidences upon the Tryall.

<306> <*Jenkins* v. *Mason.*> Peter Mason was attach't to answer unto Thomas Jenkins of Kittery in the Province of the Massachussetts in New England Black Smith of a plea why when the Said Peter Mason upon the Seventeenth day of March in the Year One thousand Seven hundred twenty and One appearing in North Carolina at Cape Hatteras according to the Custom of Exchange with Merchants their factors and Others then and time out of mind used then and there did deliver unto James Grindall Factor of the said Thomas Jenkins for value then and there of him received for the use of and payable to Mr. Thomas Jenkins Black Smith or Mr. Henry Barker Yeoman a certain Sett of Bills of Exchange to witt three all of One tenor and Date aforesaid for the sum of twenty five pounds Current money of New England drawn upon and directed to Mr. Richard Bethan Taylor in Salem and after Fiffteen dayes Sight made payable to the aforesaid Thomas Jenkins or Henry Barter And which also hitherto and time out of mind Such a Custom was had amongst Merchants their factors and others used and allowed, And when the aforesaid Thomas Jenkins or his Order for payment of the aforesaid twenty five pounds according to the Custom of Exchange aforesaid upon the twelfth day of May in the year One thousand Seven hundred twenty and two for Acceptance according to their Tenor aforesaid did produce Shew and Offerr the Same Sett of Bills unto the aforesaid Richard Bethan in Salem aforesaid and the said Richard Bethan upon view of the said Bills the said Twenty five pounds then unpaid appearing then and there refused to accept or pay the Same Whereupon according to the custom aforesaid Action hath Accrued to the aforesaid Thomas Jenkins to recover and have of the aforesaid Peter Mason the aforesaid twenty five pounds Current money of New England together with Exchange re Exchange Costs and Interests and other damages whatsoever Which the plain-

tiffe in fact Sayth in the whole Amounteth to the Sum of One hundred pounds Current Money of this Province and thereof he produces this Suite etc.

Thos. Boyd per plaintiffe

And the said Defendante (being Solemnly called) came not Nor did the Marshall make returne of Bond or Security taken for the said Mason's appearance as by Law he ought to have done, Wherefore the Plaintiffe was putt to his Choice either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendante's Estate. And the plaintiffe aforesaid Making choyce of an Order against the Marshall <*Order* v. *Marshall*> It is therefore Order'd that the Provost Marshall of the County of Bath have the body of the said Defendante at the next General Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the said Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. Which was Granted.

<*Starke* v. *Larke.*> John Starke Complaines against William Larke in Custody etc. for that William West of Princess Ann in Virginia the first day of August last past at the precinct of Perquimons and province aforesaid had demised to the said John One Mansion house one Kitchin One Garden One Orchard thirty Acres of arable plow Land Seventeen Acres of Meadow Land Seventy Acres of pasture Land and two hundred acres of Wood Land Ground with the Appurtenances Scituate lying and being on perquimons River between Vosse's Creek and Sutton's Creek To have and to hold to him the said John Starke and his Assignes from the said first day of August for the term of Six whole Years thence next ensuing by virtue of which Demise the said John Stark afterwards (to witt) on the Second day of the said August into the said Land and demised premises with the Appurtenances did enter and was there of possess'd untill the said William Larke Afterwards (to witt) on the third day of that Instant August with force and Armes etc. into the aforesaid Demised premises in and upon the possession of him the said John his term thereof not then or as yet Expired did break and enter and him the said John Starke from his Mesuage plantation and farme aforesaid did eject Expell and Amove and him So removed with <307> like force and Armes etc. he did and Still doth hold out and other Injurys to him the Said John Stark then and there he did and offered against the peace of Our Sovereign Lord the King that now is and to the damage of the said John One hundred pounds Sterling and thereupon he brings this Suite etc.

Thos. Swann per plaintiffe

<*Notice.*> Mr. Francis Toms. You may perceive by the within Declaration that I am Sued for the Land and premisses in Your possession to the which I have no title, Therefore if you have any Claime thereto you must appear at the next Generall Court to be held for this Province and make Your Defence otherwise I Shall Suffer Judgement to pass by default and you will be turn'd out of possession.

To Mr. Francis Toms Tenant in possession of the premisses in Question these. Your freind William Lark

<*Toms admitted Defendante.*> Thereupon appear'd in Court Francis Toms by Edward Moseley his Attorney who claimed title to the premises and prayed to be admitted Defendante in the room of the Casuall Ejector which was allow'd: Thereupon It is Order'd by the Court with the Consent of both parties that the said Francis Toms Shall become Defendante in the room of the Casuall Ejector and that he appear forthwith to the Suite of the plaintiffe and Shall receive the Declaration and Shall plead thereto forthwith (Not Guilty) and on the tryall of the Issue Shall confess Leave Entry and Ouster and insist on the Title only otherwise Judgement Shall be entred up for the plaintiffe against the Said William Lark Casuall Ejector and Defendante in the Declaration by default.

<*Plea. Issue Joyn'd.*> And the said Francis Toms by his Attorney aforesaid comes and defends the force and Injury when etc. and Sayes that he is noe ways Guilty as the aforesaid Jon. Starke above against him Complaines and of this he putts himself upon the Country. And the plaintiffe in like manner.

<*Venire.*> Therefore It is Commanded the Marshall that the cause to come on the third day of the next Generall Court twelve etc. by whom etc.

And then the Court Adjourn'd; By Order of the Chief Justice and Assistants.

C. Gale Cheif Justice

Wm. Badham Clericus Curiae Generalae

<*Gale* v. *Durant.*> Memorandum that On the twenty third day of October 1722 the Lands late in dispute betwixt Anthony Hatch and Thomas Snowden as by the Writt of Ejectment brought by Edmund Gale feign'd Lessee against George Durant Casuall Ejector does appear was Survey'd by James Winwright Deputy Surveyor according to the Courses of the pattent formerly granted to William Tyrrell and that it was then agreed by the aforesaid Hatch and Snowden that the Said Survey Should be an end of all differences relating thereunto and that Such their Agreement Should be recorded in the Court of Common pleas as appeares by an Instrument Signed by them and filed in the Office with the papers relating to the Said Action.

Recorded by Order of the Cheif Justice per Wm. Badham Clericus Curiae Generalae

[*October 1722*]

[*CCR 103*]

<82> North Carolina Ss.

At a Generall Court of Oyer and Terminer etc. held at the Courthouse in Edenton on Tuesday the thirtyeth day of October One thousand Seven hundred and twenty two and Continued by Severall adjournments till Saterday the third day of November following. Present Christopher Gale Esqr. Cheif Justice and John Worley, Adam Cockburne, and Henry Clayton Esqrs. Assistants.

<*Davis's appearance.*> Hannah Davis being bound by Recognizance to appear at this Court etc. made her appearance and upon Examination confess't the fact that she was charg'd with (To witt) the pilfering of Sundry Goods from One John Ballard to the value of ten pence.

<*Sentence.*> Whereupon It is Consider'd and Adjudg'd that the said Hannah Davis receive on her bare back nine Lashes at the publick Whipping Post and pay Costs.

<*Vide page (79) Fryley's appearance.*> William Fryley being bound by Recognizance to appear at this Court etc. accordingly made his appearance but noe person appearing to prosecute or give Evidence to make good the Charge against him he was discharg'd paying Costs. <*Discharg'd.*>

<*Oates's appearance.*> Joseph Oates being brought before this Court by a Warrant from the Cheif Justice to answer the Complaint of Thomas Lovick for passing in payment a Counterfeit Bill of this Province but the matter not being prov'd against him So as to charge him therewith he was acquitted paying Costs. <*Discharg'd.*>

<*Simpson's appearance. Fine paid.*> Sarah Simpson being brought before this Court to pay her fine for fornication or receive punishment according to Law, She accordingly paid down twenty five shillings which was delivered to Henry Bonner Church warden. And John Sale being by her Oath the reputed father of her Children.

<*Order* v. *Sale or his Estate.*> Wherefore It is Order'd that he be taken into Custody (if to be found) and So Secur'd that he may appear and pay his fine for Adultery (and if not to be found) then to attach his Estate to the value of his fine and also to defray the Charges which the Church wardens Shall be at in taking care of the said Sarah and her Children.

<83> <*Evans's appearance.*> John Evans being bound by Recognizance to appear at this Court etc. accordingly made his appearance but no person appearing to prosecute he was discharg'd paying Costs. <*Discharg'd.*>

Satisfaction made Janr. 24 1722d.

<*Cooke* v. *Pollock. Complaint.*> Complaint being made to this Court by Thomas Cooke against Cullen pollock Esqr. for beating and abusing him very notoriously which was proved by the Oath of Abel Barger. <*Order'd to appear etc.*> Wherefore It is Order'd that the Said Cullen Pollock be and appear before this Court tomorrow Morning and upon his neglect or refusall that a Warrant of Contempt do Issue thereby to compell him to appear and answer to the Said Complaint.

<*Pollock's appearance.*> Cullen Pollock Esqr. by an Order of this Court appeared to answer the complaint of Thomas Cook and by the Evidence it appear'd that the said Cullen is guilty of a Breach of the Peace.

<*Sentence.*> Whereupon he Submitted himself to the Court And It is Consider'd and Adjudg'd that the said Cullen Pollock pay a fine of forty Shillings and that he give Security for his good behaviour. <*Fine payd.*> Accordingly he paid down the fine in Court and acknowledg'd himself indebted to Our Sovereign the King his heires and Successors in the Sum of Twenty pounds to be levyed on his goods and Chattells Lands and Tentements etc.

<*Recognizance for his good behaviour.*> With Condition that if the said Cullen Pollock Shall and do well and truly behave himself towards his Said Majestie and all his Leige people untill the third day of the next Generall Court then the above Recognizance to be voyd Otherwise to Stand be and remaine in full force and virtue etc.

Upon reading the Orders of the precinct Court about the Sound Side Inhabitants below Doctor Urmston's made at July Court last held for the said precinct and also the Errors filed by Edward Moseley the Attorney for the Said Inhabitants and upon hearing the arguments on both Sides.

<*Order about the Percoson Road.* > It is Consider'd and Order'd by this Court that the Inhabitants of the Sound Side District from Doctor Urmston's plantation downwards and the Inhabitants of the Lower part of the Percoson District to Yaupim River Bridge be united into One District as they formerly were and that Joseph Minge be continued Overseer of the Same.

And it is hereby further Order'd that all the Said Inhabitants do first work on finish and compleat the percoson Road to Yaupim River Bridge according to the method already begun of laying out into Lotts and then that they Joyntly proceed to repair the Other <84 > Road and keep it passable: This Order to continue till the end of the next Sessions of Assembly and So thence forward for ever unless alter'd by the Generall Assembly.

<*Order about Road near Jon. Blounts Esqr.* > The Order of the precinct Court concerning a Road order'd to be laid out near John Blounts Esqr. and So down to the Mill etc. and the Complaint against the Same and the Supersedeas thereon granted as also the Errors filed by Edward Moseley the Complainants Attorney are referr'd for arguing till the next Court.

<*Story's appearance.* > Thomas Story being bound by Recognizance to appear at this Court etc. accordingly made his appearance but no person coming to prosecute he is discharg'd paying Costs. <*Discharg'd.* >

<*Vide page (79) Scire Facias* v. *Jones, Executors.* > On the Motion of Danl. Richardson Esqr. Attorney Generall Order'd that a Scire Facias do Issue against the Executors of the said Frederick Jones Esqr. deceased.

And then the Court adjourn'd.

By order of the Cheif Justice and his Assistants

W. Badham Clerk C. Gale C. J.

[*March 1723*]

[*CCR 106*]

<308 > North Carolina Ss.

Att a General Court held for the Said province att Edenton on Queen Annes Creek on Tuesday the twenty Sixth day of March One thousand Seven hundred and twenty three and Continued by Severall adjournments till Tuesday the Second of Aprill following. Present Christopher Gale Esqr. Cheif Justice and John Worley, Edmund Gale, Adam Cockburne and Henry Clayton Esqrs. Assistants.

<*Blewlitts Will proved.* > The last Will and Testament of Abraham Blewlitt deceased was proved by the Oaths of William Cranford and Elizabeth Overy two of the Evidences thereto and Jennett Blewlitt Executrix of the Said Abraham took the Oath by Law appoynted.

The petition of John powell being read in haec verba Videlicet

North Carolina Ss. To the Honorable Chr. Gale Esqr. Cheif Justice and to the rest of the Justices of the General Court for the said province.

<*Powell's petition.*> The Humble petition of John powell Sheweth that Whereas Thomas Blount late of Chowan precinct deceased by his last Will and Testament did bequeath to his Son Thomas Blount and Zilpah his Daughter the Land and plantation whereon he then liv'd to be equally divided between them Since which the said Land being Sold One part to Mr. Thos. Lee late Deceased and the other part to your petitioner. Your humble petitioner prays an Order of this Honorable Court to the Surveyor General or his Deputy that the same may be laid out accordingly.

And your petitioner as in duty bound Shall pray etc.

John Powell

<*Writt de partitione to Issue.*> At the Same time came also Edward Moseley and William Downing Executor of the last Will and Testament of Thomas Lee Deceased and consented to the division aforesaid Whereupon It is Order'd that a Writt de partitione faciende do issue directed to the Surveyor General or his Deputy thereby commanding him in the presence of the persons aforementioned or Such persons as they Shall appoynt to make division of the said Land according to the prayer of the said petitioner.

The petition of Thomas Roundtree being read in haec verba Videlicet

North Carolina Ss. To the Honorable the Cheif Justice and the rest of the Justices of the General Court now sitting.

<*Roundtree's Petition.*> The petition of Thomas Roundtree humbly sheweth that about six years Since your petitioner and Francis Roundtree his Uncle agreed to build a Mill on your petitioners Land and Some adjoyning and gott an Order of the precinct Court therefore And in pursuance thereof did together erect a Mill but the Said Francis privately and unknown to your petitioner at the precinct Court in October last did by his false Suggestions obtain an Order of the Said Court for Laying out Land to the said Mill to himself only altho' the said Mill was in partnership as afore is said and the Land on One side of the stream where the Mill is belongs wholly to your petitioner who therefore prays your Honors would grant him relief that the last Order of Court So clandestinely obtained may be reversed and the first order confirm'd and your petitioner as in Duty etc.

Thos. Roundtree.

<*Summons to Issue.*> Whereupon It is Order'd that Francis Roundtree be Summon'd to appear at the next General Court to Shew cause (if any he hath) why the said petition Should not be granted according to the prayer of the Said petitioner.

<309> <*Order about Subpoena's.*> Order'd that all Subpoena's for Evidences for the future are to be made returnable the second day of the Court.

<*Hazard* v. *Morris. Judgement Confes't.*> Edward Morris by William Little his Attorney came into Court without Writt and confess't Judgement to Roger Hazard for twelve pounds five Shillings.

<*Execution Issue* v. *body May the 1st. 1723.*> Whereupon it is Consider'd that the said Roger Hazard recover and have of the said Edward Morris the aforesaid Sum of twelve pounds five shillings with Costs alias Execution.

<*Chapman* v. *Humphrys. Vide page 289 Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Mary Chapman by her Attorney aforesaid to

prosecute her Said Suite against the Said Robert Humphrys for the aforesaid Sum of thirty Seven pounds nineteen Shillings and eleven pence halfpeny; And the said Defendante (being Solemnly called) came not and the Marshall having return'd (Nulla Bona) on the Attachment granted at the last Court.

<*Attachment Continued.*> Whereupon the said Chapman by her Attorney aforesaid prayed Continuance of the Attachment which was granted returnable to the next Court on the last Tuesday in July next.

<*Chapman* v. *Dunn vide page 289 Sect. 3d.*> And now here at this day (Videlicet etc.) came the aforesaid Mary Chapman by her Attorney aforesaid to prosecute her Said Suite against the said Charles Dunn for the aforesaid Sum of four thousand Six hundred and fifty four pounds of Tobacco. And the said Defendante (being Solemnly called) came not and the Marshall having return'd (Nulla Bona) on the Attachment granted at the last Court.

<*Attachment Continued.*> Whereupon the said Chapman by her Attorney aforesaid prayed Continuance of the Attachment which was Granted returnable to the next Court on the last Tuesday in July next.

<*Clayton* v. *Bozeman vide page 289 Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid Henry Clayton Esqr. to prosecute his Said Suite against the said Samuel Boznan for the aforesaid Sum of twenty five pounds damage. And the Defendante being Solemnly called came not; Whereupon the Said Clayton prayed Continuance of the Attachment granted last Court against his Estate Which was granted returnable to the next Court on the last Tuesday in July next. <*Attachment Continued.*>

<*Fomvile* v. *Fullford vide page 290: Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid John Fomvile administrator as aforesaid and the said Joseph Fullford by their Attorneys aforesaid.

<*Venire.*> Whereupon the Marshall was comanded that he should cause to come twelve etc. who to etc. by whome etc. and there came Videlicet John pettiver John Rasberry William Hooker Joseph Spruill John Cherryholme James Ward George Clark William Handcock Timothy Truelove Charles Barber William Hewett and Martin Frank who between the partys aforesaid being impannelled and Sworne did Say upon their Oath; <*Verdict*> Wee of the Jury find for the Defendante.

<*Judgment.*> Therefore It is Granted that the aforesaid plaintiffe take nothing by his Bill aforesaid but that he be in mercy for his false clamour etc. And the aforesaid Defendante be thereof without day.

<*Havett* v. *Bennett vide page 290: Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid William Havett by his Attorney aforesaid and prayed discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore it is Consider'd that the said John Bennett may go from hence without day and that the said Havett go in mercy and that he pay Costs alias Execution.

<310> <*Evans* v. *pritchard vide page 290 Sect. 3d.*> And now here at this day (Videlicet etc.) came the aforesaid phillip Evans and the aforesaid Samuell pritchard by their Attorneys aforesaid; <*Continued*> and hereupon by the Consent of both parties the said Cause is putt in respite untill the next Court on the last Tuesday in July next.

<*Harrys* v. *Commander vide page 290 Sect. 6. Continued.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Harrys by his Attorney aforesaid and the said Thomas Commander by Daniel Richardson his Attorney and hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in July next.

<*Ogilby* v. *Young vide page 290 Sect. 7th. Debt prov'd.*> And now here at this day (Videlicet etc.) Came the aforesaid patrick Ogilby and the said Defendante (being Solemnly called) came not; whereupon the plaintiffe proceeded by his Corporall Oath to prove the Debt due from the Defendante according to the form of an Act of Assembly in that Case made and provided.

<*Judgment.*> Therefore It is Consider'd by the Court that the said plaintiffe recover and have of the said Joseph Young the Defendante aforesaid the said Sum of four pounds Sixteen shillings with Costs alias Execution. <*Execution* v. *Corpus Issued 17th. July 1723. Testis W. B. Clericus Curiae. Satisfaction made. Testis W B Clericus Curiae.*>

<*Badham* v. *Conden vide page 291; Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid Badham in his own proper person and the Said John Conden by Thos. Swann his Attorney and Hereupon by the Consent of both parties the said Cause is putt in respite untill the next Court on the last Tuesday in July next. <*Continued.*>

<*Hastings* v. *West vide page 291: Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid Theophilus Hastings by his Attorney aforesaid and the Said Charles West by Daniel Richardson his Attorney and Hereupon by the Consent of both parties the said Cause is putt in respite untill the next Court on the last Tuesday in July next. <*Continued.*>

<*Hill* v. *Eason vide page 291. Sect. 3.*> And now here at this day (Videlicet etc.) Came the aforesaid Hill and the aforesaid Eason by their Attorneys aforesaid and Hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in July next the plaintiffe agreeing to pay all the preceeding Costs and Charges. <*Continued.*>

<*Dedimus to Issue.*> Upon motion of the plaintiffe Order'd that a Dedimus do issue directed to Richard Russull Richard Whithurst and Joseph Bell Esqrs. or either of them impowering them to take the Oath of John Herrington to the following Question Videlicet

What he knows of a Resurvey of the Land pattented in the name of George Spivey a Tract of Land in perquimons precinct and when it was and whether the Said Spivey had not Notice of it and how long he had notice before the ReSurvey and in Generall what he knows of that Matter.

<*Cook* v. *Tully vide page 291 Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid Thos. Cooke by his Attorney aforesaid to prosecute his Said Suite against the said Thos. Tully

<*Defendants appearance and plea*> And the said Defendante by Thos. Boyd his Attorney comes and defends the force and Injury when etc. And for plea Says Not Guilty which Issue be injoyn'd by the plaintiffe. The Marshall was Thereupon Commanded that he should cause to come twelve etc. whose etc. by whom etc. <*Venire.*> And there came Videlicet Jeremiah Vaile Constance Luton Edward

Standing William Coward John Symonds Thos. Hoskins Edwd. Howcott William Sadler Thos. Luten Junior Orlando Champion Willm. Handcock and Martin Frank who between the parties aforesaid being impannelled and Sworne do Say upon their Oath; <*Verdict*> Wee of the Jury find for the plaintiffe Twenty pounds as declared for. <*Judgement.*> Wherefore It is Consider'd and Order'd that the said <311> Thomas Cooke do recover and have of the Said Thomas Tully the Sum of twenty pounds and Costs of Suite alias Execution. <*Execution Issued* v. *Body the 14th. May 1723. Return'd Executed.*>

On the petition of Richard Robbins praying to be allow'd for his Attendance etc. as Evidence in the said Suite; Order'd that the Defendante pay him Seventeen Shillings and Six pence for seven days Attendance and three shillings and 4*d.* for two days in coming to and going from Court alias Execution.

<*Pugh* v. *Robinson vide page 291. Sect. 6.*> And now here at this day (Videlicet etc.) Came the aforesaid Francis Pugh by his Attorney aforesaid, and the aforesaid William Robinson (being Solemnly called) came not nor did the Marshall produce the body of the said Defendante as by a former Order of this Court he was obliged to do. <*Judgment* v. *Marshall.*> Therefore It is Consider'd that the Judgement obtained against the provost Marshall of Albemarle County at July Court last by the said Francis be confirm'd he having proved his Debt according to the direction of an Act of Assembly in that Case made and provided etc.

<*Marshall* v. *Defendante. Judgment.*> It is also farther Granted that the said Marshall Do recover and have of the said William Robinson the aforesaid Sum of Sixteen barrells of Tarr and nine pence as well as the Costs damage and charges accruing by reason of the said Judgement being confirm'd against him for the said Robinson's Non appearance.

Order'd that the said William Robinson do pay to Thomas Harvey Esqr. provost Marshall the sum of Sixteen barrells of Tarr and nine pence also the sum of [*blank*] Costs with four shillings and two pence fee as by Law allow'd for Judgement passed against him alias Execution.

<*Howett* v. *Crosby. Vide page 278 Sect. 9d.*> And now here at this day (Videlicet etc.) Came the aforesaid William Howett in his own proper person and confesseth himself to be Satisfied of the Debt and damages aforesaid. Therefore the aforesaid John Crosby of the said Debt and damages is acquitted. <*Retraxit.*>

<*Howett* v. *Singleton. Vide page 279 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid William Howett by his Attorney aforesaid and prayed Discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore It is Consider'd that the said James Singleton may go from hence without day and that the said Howett go in mercy and that he pay Costs alias Execution.

<*Ward* v. *Haughton vide page 292 Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid James Ward by his Attorney aforesaid and prayed Discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore it is Consider'd that the said William Haughton may goe from hence without day and that the said James go in mercy and that he pay Costs alias Execution.

<*Porter* v. *Francis vide page 281. Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid John Porter and his Attorney aforesaid And the said William Francis (being Solemnly called) came not.

<*Marshalls returne.*> And the Marshall having made returne of the aforesaid Attachment Executed in the hands of William Downing the said William Downing also appearing and confessing that he had Sufficient in his hands of the said Francis's Estate in his hands to Satisfie the said Debt and Costs. Thereupon the Marshall was Commanded to cause to come twelve etc. who to etc. to enquire what damages the said plaintiffe hath Sustained by reason of the Defendante's not having perform'd his Assumpsitt and there came Videlicet <*Venire*> John Pettiver John Rasberry William Hooker Joseph Spruill John Cherryholme James Ward George Clarke William Handcock Timothy Truelove Charles Barber William Hewett and Martin Frank Who being impannelled and Sworne do Say upon their Oath <*Verdict*> Wee of the Jury find and assess the damages Sustained by the said plaintiffe to be thirty Seven pounds Current money of North Carolina.

<*Judgment.*> It is therefore Consider'd that the said John porter do recover and have of the said William Francis in the hands of William Downing the Sum of thirty Seven pounds and Costs alias Execution.

<*Low* v. *Conner vide page 293 Sect. 6. Defendant's Appearance.*> And now here at this day (Videlicet etc.) Came the aforesaid Emanuel Low by his Attorney aforesaid, And the said John Conner in his own proper person comes and defends the force and injury when etc. and Saith that he hath well and truly Satisfied and paid the Condition of the Said Bond as by Law he ought to have done; And by the Consent <312> of both plaintiffe and Defendante the Cause is referred to the Court for Tryall.

<*Judgment.*> And on hearing of the Arguments on both Sides It is Consider'd of by the Court here that he the Said Emanuel may be from hence in mercy and the said John may goe without day and that the plaintiffe pay Costs alias Execution.

<*Pugh* v. *Reedick Junior vide page 293 Sect. 7.*> And now here at this day (Videlicet etc.) Came the aforesaid Francis pugh by his Attorney aforesaid and the aforesaid Robert Reedick Junior (being Solemnly called) came not nor did the Marshall produce the body of the said Defendante as by a former Order of this Court he was obliged to do.

<*Judgment* v. *Marshall.*> Therefore it is Consider'd that the Judgement obtained against the provost Marshall of Albemarle County at July Court last be confirm'd he having proved his debt according to the direction of an Assembly in that case made and provided etc.

<*Marshall* v. *Defendante. Judgement.*> It is also further Granted that the said Marshall Doe recover and have of the said Robert Reedick Junior the aforesaid Sum of Eight barrells of Tarr as well as the Costs damages and charges accruing by reason of the said Judgement being confirm'd against him for the Said Reedick's non appearance.

Order'd that the said Robert Reedick do pay to Thomas Harvey Esqr. provost Marshall the sum of Eight barrells of Tarr also the sum of [*blank*] Costs with four Shillings and two pence fee as by Law allow'd for the Judgement passed against him alias Execution.

<*Pugh* v. *Wallis. Vide page 293 Sect. 8. Debt proved.*> And now here at this day (Videlicet etc.) Came the aforesaid Francis pugh by his Attorney aforesaid and the said John Wallis (being Solemnly called) came not, Whereupon the plaintiffe proceeded by his Corporall Oath to prove the Debt due from the said Defendante according to the form of the Act of Assembly in that Case made and provided.

<*Judgement.*> And for Default of the said Defendante's appearance; Therefore it is Consider'd that the said Francis pugh do recover and have of the Said John Wallis the aforesaid Sum of Six hundred and twenty pounds of Tobacco with Costs alias Execution.

<*Bontineau* v. *Paquinett page 294. Sect. 6.*> And now here at this day (Videlicet etc.) Came the aforesaid Stephen Bontineau by Thomas Boyd his Attorney to prosecute his Said Suite against the said Michell pacquinett.

<*Judgement by default.*> And the said Defendante (being Solemnly called) came not; And for Default of the said Defendante's Appearance It is therefore Consider'd that the aforesaid plaintiffe recover and have of the said Defendante the Sum of Twenty pounds One shilling and Six pence being the sum contained in the Condition of the aforesaid Obligation together with ten pounds four Shillings and three pence due for the Interest of the aforesaid Sum, and Costs alias Execution. <*Execution* v. *Body Issued May 4th. 1723 W B Executed on the Body.*>

<*Palmer* v. *Cary page 294. Sect. 7.*> And now here at this Day (Videlicet etc.) Came the aforesaid Robert palmer by his Attorney aforesaid to prosecute his Said Suite against the said John Cary for the sum aforesaid.

<*Continued for proof.*> And the Defendante (being Solemnly called) came not; Whereupon the plaintiffe prayed Day till the next Court to produce proof of his Debt according to the direction of an Act of Assembly in that Case made and provided; Which was granted the same day is also given to the Defendante.

<*Nairne assignee* v. *West. Vide page 294 Sect. 9.*> And now here at this day (Videlicet etc.) Came the aforesaid John Nairne by his Attorney aforesaid to prosecute his Said Suite against the said Thomas West.

<*Attachment.*> And the said Defendante (being Solemnly called) came not; Wherefore it is Granted (at the plaintiffe's Motion) that the Marshall do attach the Goods and Chattells of the said Thomas West So as to compell him to appear at the next Court to answer the plaint aforesaid.

<*Nairne* v. *Molton. Page 295. Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid John Nairne by his Attorney aforesaid to prosecute his Said Suite against the Said John Molton; And the Defendante (being Solemnly called) came not; Whereupon the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till next Court; Or an Attachment against the Defendante's Estate, And the plaintiffe aforesaid making choyce of an Order against the Marshall. <*Order* v. *Marshall.*> It is therefore Order'd that the said Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court, Otherwise Judgement to be confirm'd <313> against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the said Marshall prayed an Attachment against the Estate of the Said Defendante for the debt and Costs aforesaid So as to com-

pell him to appear etc. at the next Court, Which was Granted.

<*Willson* v. *Bernard. Page 295: Sect. 2.*> And now here at this day (Videlicet etc.) came the aforesaid Wm. Willson by his Attorney aforesaid to prosecute his Said Suite against the said Samuell Bernard, And the Said Defendante (being Solemnly called) came not; And the Marshall having return'd the Attachment granted him at Last Court (Executed on three Negroes).

<*Continued.*> Whereupon the plaintiffe by his Attorney aforesaid prayed Continuance of his Said Suite till the next Court on the last Tuesday in July next. Which was Granted.

<*Clayton Assignee* v. *porter and uxor etc. Defendante's Appearance and plea.*> And now here at this day (Videlicet etc.) Comes the aforesaid Henry Clayton Esqr. Assignee as aforesaid by his Attorney aforesaid; And the said Defendante's by Thomas Henman their attorney comes and defends the force and injury when etc. And say action not etc. because they Say that the Endorsement or assignment of the Said Writing Note or Bill mention'd in the plaintiffe's Declaration to be assigned or endorsed to the said Henry Clayton by the said Vennard is not the handwriting or Act of the Said Vennard And of this they put themselves on the Country, And the plaintiff also; <*Issue Joyn'd.*>

<*Venire. Jury Sworne.*> Whereupon the Marshall was commanded to cause to come twelve etc. who to etc. by whom etc. and there came Videlicet Jeremiah Vaile Constance Luton Edward Standing William Coward John Symonds Thos. Hoskins Edwd. Howcott William Sadler Thos. Luton Junior Orlando Champion William Handcock and Martin Frank who being impannelled and Sworne do Say upon their Oath <*Verdict*> Wee of the Jury find for the plaintiffe the Six pounds twelve Shillings declared for.

<*Judgement.*> It is therefore Consider'd by the Court here that the said plaintiffe recover and have of the said Defendantes the sum of Six pounds twelve shillings alias Execution.

<*Allen* v. *Burnell. Page 296: Sect. 1.*> An now here at this day (Videlicet etc.) Comes the aforesaid George Allen by his Attorney aforesaid to prosecute his Said Suite against the said Jon. Burnell.

And the Said Defendante (being Solemnly called) came not nor did the Security produce the body of the Said Defendante as by the Order of the last Court he was obliged to do; <*Judgement* v. *Security*> Therefore It is Consider'd that the Judgement obtained against Thos. peirce Junior Security for the said Defendante at the last Court by the said plaintiffe be confirm'd he having proved his Debt according to an Act of Assembly in that Case made and provided etc. <*Security* v. *Defendante. Judgment.*> It is also further Granted that the said Thos. peirce Junior do recover and have of the Said John Burnell the aforesaid Sum of fourteen pounds Seventeen shillings and four pence halfe peny as well as the Costs damage and Charge accruing by reason of the Said Judgement being confirm'd against him for the said Burnells non appearance.

Order'd that the Said John Burnell do pay to Thomas peirce Junior the Sum of fourteen pounds Seventeen shillings and four pence halfe peny with Costs alias Execution.

<*West Administratrix* v. *Molton Senior. Page 296: Sect. 3. Discontinued.*> And now here at this day (Videlicet etc.) the aforesaid Martha West Administra-

trix as aforesaid (being Solemnly required) came not neither prosecuted her Writt aforesaid. Therefore It is Consider'd that the said Martha may be from hence in mercy and the Said John Molton Senior may goe without day and that the said plaintiffe pay Costs alias Execution.

<*West administratrix* v. *Blackman page 297. Sect. 1.*> And now here at this day (Videlicet etc.) the aforesaid Martha West Administratrix as aforesaid (being Solemnly required) came not neither prosecuted her Writt aforesaid

<*Discontinued.*> Therefore it is Considerd that the Said Martha may be from hence in mercy and the Said John Blackman may go without day and that the said plaintiffe pay Costs alias Execution.

<314> <*Speir* v. *Roades. Vide page 297. Sect. 2.*> And now here at this day (Videlicet etc.) Comes the aforesaid John Speir by his Attorney aforesaid to prosecute his Said Suite against the said Wm. Roades.

<*Defendantes Appearance and plea.*> And the said Defendante in his own proper person comes and defends the force and injury when etc. and Saith nothing in Barr or avoydance of the aforesaid Action by which the Said plaintiffe against the said Defendante Should remaine undefended; <*Judgment*> Therefore it is Consider'd that the aforesaid John Speir Shall recover and have of the Said William Roades the said Sum of two pounds One shilling and three pence halfe peny with Costs alias Execution which Said Sum of two pounds One shilling and three pence halfe peny and Costs being paid in Court Therefore the said Roades of the said Debt and damages is acquitted etc.

<*Pugh* v. *Roades. Page 297 Sect. 4.*> And now here at this day (Videlicet etc.) Comes the aforesaid Theophilus pugh by his Attorney aforesaid to prosecute his Said Suite against the said Wm. Roades.

<*Defendante's appearance and plea.*> And the Said Defendante in his own proper person comes and defends the force and Injury when etc. and Saith nothing in barr or avoydance of the aforesaid Action by which the said plaintiffe against the said Defendante Should remaine undefended;

<*Judgement.*> Therefore it is Consider'd that the aforesaid Theophilus pugh Shall recover and have of the said William Roades the Sum of Twelve hundred twenty three pounds and an halfe of Tobacco with Costs alias Execution.

Satisfaction made Janry. 20th anno domini 1723 Testis W B Clericus Curiae Generalae

<*Howcott assignee* v. *Thickpenn. Page 298 Sect. 3d. Discontinued.*> And now here at this day (Videlicet etc.) Comes the aforesaid Edward Howcott by Thomas Henman his Attorney and prayed discontinuance of his Action aforesaid; Wherefore It is Consider'd that the said James Thickpenn may goe from hence without day and that the said Edward may go in mercy and that he pay Costs alias Execution.

<*Lathinghouse* v. *Palmer and Uxor. Page 298. Sect. 4. Defendante's appearance and plea.*> And now here at this day (Videlicet etc.) Comes the aforesaid Andrew Lathinghouse by his Attorney aforesaid to prosecute his Said Suite against the said paul palmer and Joanna his wife; And the Said Defendante's by Thomas Swann their Attorney comes and defends the force and injury when etc. And Saith that they ought not to be burthen'd with the ten pounds Sterling in the plaintiffe's Declaration mention'd because they Say that the said plaintiffe did not

build one brick Chimney and do and performe the other workes and labours which on his part was to be done and perform'd for the said Joanna whilst Sole; Nor at any time after and this they are ready to verifie wherefore they pray Judgement if the plaintiffe aforesaid his action against them to have ought etc. To which plea the plaintiffe aforesaid making no reply and refusing further to prosecute his Writt aforesaid. <*Dismist.*> Wherefore It is Consider'd by the Court here that the said Action be dismist and that the plaintiffe pay Costs alias Execution.

<*Hicks's petition.*> On the petition of Robert Hicks praying to be allow'd for his Attendance as Evidence in the said Suite; Order'd that the plaintiffe pay him for thirteen days Attendance thirty two shillings and Six pence with Costs alias Execution.

<*Porter and Uxor* v. *Williamson, Page 299 Sect. 2d. Defendante's appearance and plea.*> And now here at this day (Videlicet etc.) Comes the aforesaid Joshua porter and Katherine his Wife Executrix etc. by their Attorney aforesaid to prosecute their Suite against the said James Williamson; And the Defendante appear'd in his own proper person and made sufficient prooff to the Court here that the said [Plaintiffes] hath already been by him Satisfied and paid; Wherefore it is Consider'd by the Court here that the Said Suite be dismist, and that the plaintiffe's pay Costs alias Execution Such Costs only excepted as accrued by the Defendante's prooff of payment. <*Judgment. Dismission.*>

<*Kirby* v. *Jessop. Page 299 Sect. 6. Respite.*> And now here at this day (Videlicet etc.) Comes the aforesaid Edmund Kirby by his Attorney aforesaid and the said Joseph Jessop by his Attorney aforesaid And hereupon by the Consent of both partys the Said Cause is putt in respite untill the next Court on the last Tuesday in July next.

<315> <*Pettiver* v. *Gray. Vide page 300 Sect. 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid John pettiver in his own proper person to prosecute his Said Suite against the said Thomas Gray, And the said Defendante (being Solemnly called) came not, and the Marshall having return'd (Nothing to be found) on the Attachment Granted the last Court.

<*Attachment Continued.*> Whereupon the Said plaintiffe prayed continuance of the Attachment which was granted Returnable to the next Court on the last Tuesday in July next.

<*Mackley* v. *Turnedge. Vide page 300 Sect. 4. Defendante's appearance and plea.*> And now here at this day (Videlicet etc.) the aforesaid George Turnedge prays Judgment of the Writt aforesaid because he Saith that Since the last Continuance of the aforesaid Action the plaintiffe aforesaid is dead at Catherines Creek in Albemarle County and this he is ready to averr and prays Judgement of the Writt aforesaid; Which being understood by the Justices of the said Court it appear's to them that the said plea is Sufficient in the Law to abate the said Writt.

<*Judgment.*> And therefore it is Consider'd by the Court here that the said Writt doe abate.

<*Benbury* v. *Burton. Page 301. Sect. 3.*> And now here at this day (Videlicet etc.) came the parties aforesaid by their Attorneys aforesaid, And the Marshall made returne of the venire etc.

<*Jury's Oath and Verdict.*> Whereupon Constance Luton Edward Standing William Coward patrick Lawler Robert Hicks William Sadler Orlando Champion William Handcock Martin Frank Richard parker Thomas Cooke and Jacob Sheets the Jurors being impannell'd and Sworne on their Oaths Say Wee of the Jury find for the plaintiffe five Shillings damage.

<*Judgment.*> Therefore it is Consider'd by the Court here that the aforesaid William Benbury do recover against the said peter Isaac Jesse Burton the sum of five shillings also the sum of five shillings Costs etc.

<*Satisfaction made.*> Thereupon the said Defendante in Open Court paid the said Sum of five shillings Damage and five shillings Costs etc. Therefore the said Defendante of the said Damages and Costs is acquitted.

<*Haughton's petition.*> On the petition of William Haughton praying to be allow'd for his Attendance as Evidence in the said Suite. Order'd that the plaintiffe pay him for eleven days Attendance twenty seven shillings and Six pence with Costs alias Execution.

<*Maglaughan* v. *Ketirill. Page 302 Sect. 1.*> And now here at this day (Videlicet etc.) the aforesaid James Maglaughan (being Solemnly called) came not neither prosecuted his Writte aforesaid.

<*Judgment.*> Therefore It is Consider'd by the Court here that the Said James be from hence in mercy for his false Clamour etc. and the aforesaid Jonathan Ketterill be thereof without damage etc. and that the plaintiffe pay Costs alias Execution. <*Execution* v. *Body Issued May 14, 1723.*>

<*Lawler and parkers petition as Evidences.*> On the petition of patrick Lawler and Richd. Parker praying to be allow'd for their Attendance as Evidences in the said Suite; Order'd that the plaintiffe pay them for six days Attendance and two days Coming to and going from Court the sum of Eighteen shillings and four pence with Costs alias Execution.

Return'd Executed and Satisfaction made Testis W B Clerk Curiae Generalae.

<*Peirce* v. *Webster. Page 303 Sect. 1. Defendante's Appearance and plea.*> And now here at this day (Videlicet etc.) came the aforesaid Thos. Peirce Junior by his Attorney aforesaid and the said William Webster by Thos. Boyd his Attorney comes and defends the force and injury when etc. and Saith nothing in Barr or Avoydance of the aforesaid action of the aforesaid plaintiffe by which the said plaintiffe against the said Defendante Should remaine undefended; <*Judgment*> Therefore it is Consider'd that the aforesaid Thomas recover and have of the [*illegible*] William the aforesaid Sum of fifteen pounds ten shillings and Seven pence Sterling with Costs alias Execution <*Satisfaction*> Which Said Sum being paid to the said Thomas with Costs Therefore the said William of the said Debt and Costs is acquitted etc.

<*Hawkes* v. *Pettiver. Page 303 Sect. 2. Defendantes appearance and plea.*> And now here at this day (Videlicet etc.) the aforesaid John pettiver prays Judgement of the Writt aforesaid because he sayth that since the last Continuance of the said Action the plaintiffe aforesaid is dead at pasquotank River in Albemarle County and this he is ready to verifie and prays Judgement of the Writt aforesaid; <*Judgment*> Which being understood by the Justices of the Court here it appeares to them that the said plea is Sufficient in Law to abate the said Writt and therefore it is Consider'd by the Court that the said Writt doe abate.

<316> <*Luton v. pollock page 305: Sect. 3.*> And now here at this day (Videlicet etc.) Come the partys aforesaid by their Attorneys aforesaid, <*Jury Sworne*> And the Jurors (being called) come likewise Videlicet George Allen Joshua Turner Francis pugh George Clark Joseph Spruill John Swain William Hancock Henry Speller Jonathan Taylor Thomas Fry Richard parker and Martin Frank who to Say the truth of the premises Chosen tryed and Sworne Say upon their Oath.

<*Speciall Verdict.*> That long before this Ejectment brought One William Wilkinson late of Chowan was Seiz'd in his demesne as of fee of the Lands and Tenements aforesaid now in dispute and did on the Twenty fourth day of July Anno Domini One thousand Seven hundred and four make his last Will in writing in haec verba: Videlicet

<*Wilkinson's Will*> North Carolina Ss. In the Name of God Amen

I William Willkinson being of Sound and perfect Memory but weak of body do hereby nominate and ordaine this my last Will and Testament utterly revoking and disanulling all other Will or Wills by me made at any time heretofore either verball or instrumentall and calling to mind the uncertainty of death doth make and ordaine this my last Will and Testament in manner and form following. Imprimis first and principally I commend my Soule to allmighty God my heavenly father and my body to the earth from whence it was taken to be buried in Christian buriall at the discretion of my Executrix hereafter named hoping that at the last day I shall find remission of all my Sins and as for my Worldly estate which please God to bestow on me I give and bequeath the Same in manner and form following. Item I give and bequeath unto my dear and loving Wife Esther Wilkinson and to her heyrs for ever all my whole estate reall and personall in what kind Soever and wheresoever it may be known or found in this Country or any other part of the World any ways belonging or appertaining to me the said William Wilkinson making her the Said Esther Wilkinson whole and Sole Executrix of this my last Will and Testament to receive and pay all my Just debts and legacies hereafter named. Item I give and bequeath unto the Honorable William Glover Esqr. One Gold Ring of twenty shillings price; Item I give and bequeath unto Capt. Thomas Luton One Ring of twenty shillings price; Item I give and bequeath to Capt. Thomas Blount One Ring of twenty shillings price; Item I give and bequeath unto Mr. John Blount One Ring of twenty shillings price the said Rings to be payd within twelve month after my decease and for want of Such Rings to pay unto Each as above expressed the sum of four peices of Eight And further I do nominate and appoynt my Said Executrix to be Executrix of Wills wherein I am concern'd as Executor more especially the Will of Mr. John Harvey and Mr. Alexander Lillington in the Offices of an Executor to act performe and do as fully and amply to all intents and purposes as I could or might have done if living, And further it is my Will that in Case my Said Executrix above named shall depart this Life without making of a Will or other wayes disposing of this my Said Estate or any part or parcell thereof that what shall be then remaining at her death shall fall come and revert unto the nearest of my Relations that shall ever come to make claime to the Same or to any of the Relations of my Executrix abovenamed to be equally divided between them; And the

first that comes to lay claime to be putt in quiet possession of all and every part or parcell of the said Estate that shall be then remaining of the Said Estate and disposed of as abovesaid; And I do further Ordaine and appoynt Said four Legattees William Glover Esqr. Capt. Thomas Luton Capt. Thomas Blount and Mr. John Blount to be my Executors of this my last part or paragraph of my Will my abovesaid Executrix departing this Life without a Will or Otherwise disposed of the Same, And this My Will to be fully good and ample in the Law to all intents and purposes as if drawn or done by the most learned in the Law or as the Law could invent or devise and shall be so taken deemed and construed in Law Confirmation hereof I have hereunto Sett my hand and fixed my Seale this twenty fourth day of July in the Year of Our Lord One thousand Seven hundred and four in the third year of the Reigne of Our Sovereign Lady Queen Anne of England etc. As by the said Will proved and recorded appears after which and long before the Supposed Ejectment the said Wilkinson So Seized of the Said Land dyed after whose Death the abovesaid Esther Relict of the Said <317> William Wilkinson entred and was of the premises possess'd and that Some time after and long before the said Ejectment She took to husband One Thomas pollock late of Chowan precinct Esqr. and during Coverture Videlicet on the twentyeth day of May One thousand Seven hundred and twelve made an Instrument in Writing otherwise called a last Will and Testament in haec verba Videlicet

<*Esther pollock's Will*> In the Name of God Amen the twentyeth day of May in the Year of Our Lord One thousand Seven hundred and twelve I Esther pollock of the precinct of Chowan and County of Albemarle in the province of North Carolina being in good health of Body and of perfect mind and memory thanks be given unto God therefore calling unto mind the mortality of my Body and knowing that it is appoynted for all flesh once to dye do make and Ordaine this my Last Will and Testament revoking and disanulling all other Will or Wills Testament or Testaments by me made that is to say principally and first of all I give and recommend my Soule into the hands of God that gave it me and for my body I commend it to the earth to be buried in a Christianlike and decent manner at the discretion of my Executors nothing doubting but at the Generall Resurection I shall receive the same again by the mighty power of God and as touching Such worldly estate wherewith it hath pleased God to bless me in this Life I give devise and dispose of the Same in the following manner and form. Item I make Major Thomas Luton and Thomas Luton Junior my whole and Sole Executors of this my Will. Item I give and bequeath unto the Right Honorable Edward Hyde Esqr. present Governor of North Carolina One Negro Woman named Cuttoe. Item I give and bequeath to Mrs. Ann Stewart five pounds Current money of this Government to be payd her by my Executors within twelve months after my decease. Item I give and bequeath unto my well beloved Cousin Marmaduke Goodhand my plantation and tract of Land lying on Sassafras River in Cecill County in the Province of Maryland unto him and his heirs for ever the Same being given to me by my father in Law Mr. George Harriss deceased; Item I give and bequeath unto Major Thomas Luton my Executor all my Lands and the plantations lying within this Government of North Carolina which was given me by my late husband Collonel William Wilkinson to him and his heirs for ever

and if he should happen to dye before me then I give the Said Lands and plantations unto three of his Sons Videlicet Thos. Luton Constance Luton Henderson Luton and their heirs for ever that is to Say my plantation whereon I now live called Sandy poynt unto Thomas Luton Junior my plantation joyning on Mr. Edward Moseley unto Constance Luton, my plantation on the South Side of Chowan River unto Henderson Luton and if any of them should happen to dye before me I give the Said Tract or Tracts of Land unto the next heir of the aforesaid Major Luton. Item I give and bequeath unto Major Thomas Luton all that hundred pounds in Silver which my husband Collonel Thomas pollock hath given me the Liberty of disposing of at my Will and pleasure and also I give and bequeath unto him the said Major Thomas Luton all the residue of my Estate of what kind and Specie Soever within this Govemment of North Carolina or in any other parts whatsoever. And further I do make Ordaine Nominate and appoynt my Said Executors to be Executors of all Wills wherein I am concern'd in as Executrix more especially the Will of Collonel William Wilkinson my late husband and Mr. John Hervey and in the Said Office of an Executor to act performe and doe as fully and amply to all intents and purposes as I could or ought to have done if living and for the certainty of this being my Last Will and Testament I have hereunto Sett my hand and fixed my Seale the day and year first above written.

<*Hick's Oath.*> As by the said Instrument in Writing or last Will now produc'd, appeal's which was proved by the Oath of Robert Hicks one of the Evidences who also Swore that he Saw Sarah porter and Conrod Eichorn Signe the Same as Evidences and afterwards long before the Said Ejectment the aforesaid Esther being under Coverture deceased the aforesaid Thomas pollock then living and the said Thomas Luton being of the premises possess'd by means of the aforesaid Instrument in Writing or Will of the said Esther's lett the aforesaid Messuage etc. to the <318> aforesaid Henderson who entred and was by the aforesaid Defendante's Ejected as the said plaintiffe in his Declaration hath Sett forth.

But whether upon the whole matter in manner and forme found as aforesaid whether this Instrument in Writing or last Will being while the said Esther was under Coverture be good and Sufficient So that the entry and Seizure aforesaid of the said Thomas Luton was lawfull Wee of the Jury are ignorant and desire the advice of the Court thereon And if thereon it shall Seem to the Court here that the Law herein be for the plaintiffe Wee find for the plaintiffe and Assess his damages occasion'd by the said Ejectment to be three shillings and nine pence besides Costs and Charges of Suite.

But if the Law thereon be for the Defendante's Wee find the Defendante's Not Guilty etc. Geo. Allen Foreman.

Agreed to this Verdict E. Moseley and Wm. Little for the plaintiffe. Danl. Richardson for the Defendante's.

<*Judgment.*> Upon hearing the Arguments on both sides and due consideration thereof and of the Severall Authoritys produced by them; It is the Opinion of this Court that the said Esther had a fee Simple qualified in the Lands etc. mention'd in the aforesaid Declaration and that the said Will or Instrument in

Writing of Esther pollock's mention'd in the Speciall Verdict altho' made during Coverture yet being to pass Lands pursuant only to the Will of another and to execute an Authority is good and Sufficient in Law;

Wherefore then it was granted in the Said Court here that the said plaintiffe Should recover his Term of the Lands and Tenements and Appurtenances as mentioned in the aforesaid Declaration and that the aforesaid plaintiffe should have of the Goods and Chattells of the aforesaid Defendante's to the value of three shillings and nine pence besides Costs and Charges of Suite and that the Said Defendante's Should be thereof in mercy etc.

<*Defendante's petition.*> Whereupon the Defendante's prayed this Honorable Court to grant them an Appeall before the King of Great Brittaine and his Councill and that the Writt of possession be Stayed for Such reasonable time as this Court shall See fitt and are ready to offer good Security;

<*Plaintiffe's Answer*> And the Said plaintiffe by his Councill prays that Execution of the Said Judgement may not be stayed on the Defendante's Motion aforesaid for that there is no Law Rule or Custom for this Court (whose Authority as appears by the Commission is as full within this Government as that of the Kings Bench in Great Brittaine) to Stop Execution of their Judgement by appeall here made in manner aforesaid nor can this Court compell the partys to appear before the King and his Councill nor ascertaine any time for their So doing nor is it certain that the King and Councill will take Cognizance thereof nor is the Said prayer Or Motion made regularly; But whenever the plaintiffe is regularly and lawfully called to answer within the Kingdom of Great Brittaine he shall always be ready to appear and make out his Title and Justify the aforesaid Judgement which he therefore prayes may not be delayed but that the Court here will grant Execution So as that the plaintiffe may be putt in possession etc.

<*Judgement thereon.*> And the matter being duly weigh'd It is the Opinion of this Court that they have no power to compell the party's to appear before the King and Councill nor can they by [*illegible*] Law upon this the Defendante's Motion Stay Execution which therefore they Order to be done etc.

<319> <*Harrys* v. *Frank. Page 304. Sect. 1.*> And now here at this day (Videlicet etc.) the aforesaid Thomas Harrys (being Solemnly called) came not neither prosecuted his Writt aforesaid <*Nonsuite*> Therefore It is Consider'd by the Court here that the Said Thomas be from hence in Mercy for his false Clamour etc. And the aforesaid Martin Frank be thereof without damage etc. and that the plaintiffe pay Costs alias Execution.

<*Boyd's petition.*> On the petition of Thomas Boyd Attorney praying to be allow'd for his Attendance, etc. as Evidence in the Said Suite Order'd that the plaintiffe pay him for Six dayes Attendance fifteen Shillings for four day Coming to and going from Court Six shillings and Eight pence and for ferryage twenty shillings alias Execution.

<*Harrys* v. *Ilee. Page 305 Sect. 2. Respite.*> And now here at this day (Videlicet etc.) comes the aforesaid Thos. Harrys by his Attorney aforesaid and the said Nicholas Ilee by his Said Attorney and hereupon by the Consent of both parties the said Cause is putt in respite untill the next Generall Court on the last Tuesday in July next.

<*Dedimus to issue.*> Upon Motion of the plaintiffe It is Order'd that a Dedimus do issue directed to Edward Gattlin and Daniel Shine impowering them to take the Deposition of John Parker in the aforesaid Suite and that the Defendante hath five days Notice before the Execution thereof.

<*Sheppard's petition.*> On the petition of Martin Sheppard praying to be allowed for his Attendance etc. in the Suite aforesaid; Order'd that the said plaintiffe pay him for Six days going from and coming to Court Ten shillings and for Seven days Attendance Seventeen shillings and Six pence alias Execution.

<*Metcalfe and Uxor* v. *Miller Sheets and Willson. Page 305. Sect. 4.*> And now here at this day (Videlicet etc.) Comes the aforesaid plaintiffe's and the aforesaid Defendante's by their Attorneys aforesaid and the Jurors (being called) come likewise Videlicet <*Venire*> Constance Luton Edward Standing William Coward patrick Lawler Junior Robert Hicks William Sadler Orlando Champion Richard Parker Edward Howcott Thomas Mathews George Clarke and Edward More, who to Say the truth of the premises being chosen tryed and Sworne do Say upon their Oath <*Verdict*> Wee of the Jury find for the plaintiffe's thirty Pounds damages.

<*Judgment.*> Therefore It is Considerd by the Court here that the said plaintiffes recover and have of the said Defendante's the said Sum of Thirty pounds and Costs alias Execution. <*Execution* v. *Body's Issued May 4th. 1713. Returne Executed.*>

<*Jenkins* v. *Mason. Vide page 306. Sect. 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Jenkins by his Attorney aforesaid to prosecute his Said Suite against the said Peter Mason; And the said Defendante (being Solemnly called) came not;

Wherefore It is Consider'd by the Court here That the Judgement passed against the said Provost Marshall of Bath County at October Court Last be affirmed; <*Judgment* v. *Marshall*> It is therefore Order'd that Roger Kenyon then Provost Marshall do pay to the plaintiffe the Sum of twenty nine pounds with Costs alias Execution.

<*Judgment* v. *Defendante.*> It is therefore also further Granted that the Marshall do recover of the said Defendante the said Sum of Twenty nine pounds as well as the Costs damages and Charges by reason of the said Judgement being confirm'd against him for the said Defendante's nonappearance.

Order'd that the Said Defendante do pay To the said Roger Kenyon the sum of twenty five pounds as also the Sum of [*blank*] with four shillings and two pence fee as by Law allow'd for Judgement passed against him alias Execution. <*Execution* v. *Marshall Issued May 4, 1723. Return Executed on the body.*>

<*Starke* v. *Larke.*> And now here at this day (Videlicet etc.) came the partys aforesaid by their Attorneys aforesaid and the said plaintiffe not being provided with Sufficient Evidence prayed Discontinuance of his Said Suite Which was Granted.

<320> <*Chew* v. *Hazard. Debt.*> Larkin Chew of the County of Spotsilvania in Virginia is plaintiffe and Roger Hazard late of the Same County Gentleman now resident of North Carolina is Defendante in a plea of Debt;

<*Narratio*> And the said plaintiffe by Thos. Swann his Attorney demands of the Defendante that he do render unto him the Summ of three hundred and fifty

pounds four shillings Sterling money which to the plaintiffe he oweth and from him unjustly detaineth for that whereas the said Defendante the first day of August One thousand Seven hundred and twenty one by his certaine writing obligatory under the hand and Seale of the said Defendante whose date is the same day and year and which the plaintiffe brings here into Court became indebted to the said plaintiffe in the aforesaid Sum of three hundred and fifty pounds four shillings Sterling to be paid to the said plaintiffe when he the said Defendante Should be thereunto requested Yet the said Defendante the aforesaid Sum of three hundred and fifty pounds four Shillings Sterling to the plaintiffe hath not paid but the same to pay hath and doth Still refuse and deny to the plaintiffe's damage three hundred pounds Sterling and thereupon he brings this Suite etc.

<*Defendante's Appearance.*> And the Said Defendante by Edward Moseley his Attorney appear'd and prayed Oyer of the Obligation aforesaid till the next Court on the last Tuesday in July next and he hath it, the Same day is also given to the plaintiffe. <*Oyer.*>

<*Daniel* v. *Mayner. Case. Narratio.*> Joseph Daniel of Virginia by William Little his Attorney comes to prosecute his Suite against Joseph Mayner in custody etc. of a plea of the Case for that whereas on a reckoning of accounts together had between the plaintiffe and Defendante there remained due to the plaintiffe to ballance their Sundry and divers Accounts and reckonings thirteen barrells of Tarr which the defendante afterwards Videlicet in the precinct of Chowan in the County of Albemarle within this province on the first day of October One thousand Seven hundred and twenty One did acknowledge and on himself did assume and promise the said ballance to pay and Satisfy to the plaintiffe or his Order on Condition that the plaintiffe or he to whom he should order the same would accept in Satisfaction of the said Debt Six barrells of pitch in Case and provided the said Defendante Should pay the said pitch on or before the last day of March One thousand Seven hundred and twenty two Yet nevertheless the Defendante did not pay to the plaintiffe or his Order the said pitch on or before the said Last day of March nor hath he paid the said thirteen barrells of Tarr to the plaintiffe or his Order but the said thirteen barrells of Tarr to the plaintiffe or his Order to pay unjustly denys and refuses tho' often required to the plaintiffe's damage Six pounds and ten shillings and therefore he brings this Suite etc.

<*Defendante's Appearance.*> And the said Defendante by Edward Moseley his Attorney appear'd And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in July next. <*Respite.*>

Elerby v. Raymond dismist for want of a Declaration.

New v. Elerby Debt returned agreed.

<*Dunn* v. *Callihan. Debt. Narratio.*> John Dunn complaines against patrick Callahan in the custody of the Marshall etc. of a plea that he the said Defendante render unto him the said plaintiffe the Sum of fourteen pounds which he the said Defendante owes and unjustly detaines from him the said plaintiffe (to witt) the Second day of December One thousand Seven hundred and Seventeen at the precinct of Chowan the Same being due by Bill under the Defendante's hand dated the same day and year and here in Court produced etc.

<*Defendante's Appearance.*> And the said Defendante by Edward Moseley

his Attorney appeared Whereupon the Said plaintiffe by John Johnston his Attorney prayed discontinuance of his Said Action.

<*Discontinued.*> Wherefore It is Consider'd that the said Patrick Callahan may go from hence without day and that the said John Dunn may go in mercy and that he pay Costs alias Execution.

<321> <*Jenkins Assignee* v. *Benton. Narratio.*> Thomas Jenkins Assignee of Stephen Williams by Thomas Henman his Attorney comes to prosecute his Suite against Francis Benton in custody etc. of a plea that he the said Defendante Should render to him the summ of ten pounds Sterling money of Great Brittaine which to him he oweth and from him unjustly detaineth for that to witt that whereas the Said Francis on the twenty Sixth day of May One thousand Seven hundred and twenty at the precinct of Chowan by his Bill or Writing Obligatory dated the Same day and year and here in Court produced did bind and oblige himself to pay or cause to be paid to the said Stephen Williams or his Order the said Sum of Ten pounds Sterling upon demand which said Bill by Assignment became due to the plaintiffe Yet Nevertheless the said Defendante the said Sum of ten pounds Sterling to the Said Stephen did not pay nor to this plaintiffe Since the said Assignment nor any part thereof but the Same to pay hath hitherto denyed and Still doth deny etc.

And the said Defendante (being Solemnly called) came not, Whereupon the Marshall making returne of Edward Outlaw Security for the said Francis Benton as by the Baile Bond here in Court produced appeareth; And the said plaintiffe (being putt to his Choyce either to have an Order against the Security with Stay of Execution till the next Court or an Attachment against the Defendante's Estate) made Choyce of an Order against the security. <*Order* v. *Security.*>

Judgement is therefore Granted against the said Edward Outlaw for the said Sum of ten pounds Sterling and Costs with Stay of Execution till the next Court.

<*Security* v. *Defendante. Attachment.*> Whereupon the said Edwd. Outlaw prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and costs aforesaid So as to compell him to appear etc. at the next Court Which was Granted.

Daniel v. Ashmore Tresspass on the Case return'd non est inventus. Discontinued by the plaintiffe.

Johnson v. Bate Tresspass on the Case return'd. Agreed.

Bonner v. Cockrill Attachment. Discontinued by the plaintiffe.

<*Speir* v. *Brasswell. Debt. Attachment Original.*> John Speir comes to prosecute an Originall Attachment granted to him by Christopher Gale Esqr. Cheif Justice against the Estate of Valentine Brasswell Returnable to this Court wherein the said John complains that Whereas the said Valentine oweth to him the said John and from him unjustly detaineth two hundred and ten pounds of porke and one five year old Steer the same being due by Bill under the Defendante's hand and that he Suspects the aforesaid Valentine is removing in Order to conceall and withdraw himself out of this Government etc. <*Marshall's returne.*> Which Attachment was return'd (nulla bona) by Thos. Spires Dept'y Marshall. <*Continued.*> Whereupon the plaintiffe prayed Continuance of the said Attachment Which was granted returnable to the next Court on the last Tuesday in July next.

<*Hitaw* v. *Sale. Attachment.*> John Hitaw King or Cheif man of the Chowan Indians comes by Edward Moseley his Attorney to prosecute an Originall Attachment granted to him by Christopher Gale Esqr. Cheif Justice against the Estate of John Sale for the sum of Eleven pounds returnable to this Court wherein the said John Complaines that Whereas the said John Sale should render unto him the sum of Eleven pounds which to the plaintiffe he oweth and from him unjustly detaineth for that to witt that whereas the said Defendante the tenth day of May One thousand Seven hundred and twenty two by his Note on Thomas Copping dated the Same day and year at Chowan aforesaid and here in Court produced did acknowledge himself indebted to the plaintiffe the Said Sum of Eleven pounds Nevertheless the said Thomas Copping the said Sum of Eleven pounds to the said plaintiffe did not pay nor this defendante hath not as yet paid but the same to pay hath denyed etc. <*Marshall's return.*> Which Attachment was return'd (Executed in the hands of Mr. John Ansley and Thomas Mathews) by Christian Heidelbergh Deputy Marshall. And the said Thomas Mathews came into Court and acknowledged to have Sufficient to Satisfie the Said Attachment of the Estate of the said John Sale in his hands; And the said Defendante <322> (being Solemnly called) came not and for default of the Defendante's appearance <*Judgment by default*> It is Consider'd that unless the Defendante do appear at the next Court to answer his Said plaint Judgement Shall be then affirm'd for the plaintiffe and that he recover and have of the Defendante the Said Sum of Eleven pounds and Costs in the hands of Thomas Mathews.

<*Dowers* v. *Williamson. Narratio.*> William Dowers by Thomas Henman his Attorney comes to prosecute his Suite against James Williamson in custody etc. of a plea that the said Defendante render to him the said plaintiffe the sum of five pounds and fifftteen Shillings which he the said Defendante owes and unjustly detaines from him the said plaintiffe (to witt) the Seventeenth day of August One thousand Seven hundred and twenty one at the precinct of Chowan the same being due by Bill under the Defendante's hand dated the same day and year and here in Court produced etc.

<*Respite.*> And the Said Defendante (being Solemnly called) in his own proper person came and Hereupon by the Consent of both partys the Said Cause is putt in respite untill the next Court on the third Tuesday in July next.

<*Clayton Assignee* v. *Hobby. Debt. Narratio.*> Henry Clayton Esqr. Assignee of John Vannard complaines against Lawrence Hobby in custody of the Marshall etc. of a plea that he the said Defendante render unto him the Said plaintiffe the Sum of four pounds Current money of North Carolina which he the said Defendante oweth and unjustly detaineth from him the said plaintiffe Videlicet the Seventh day of February One thousand Seven hundred and twenty One at the precinct of Chowan in the province aforesaid the same being due by Bill under the defendantes hand Dated the Same day and year and here in Court produced etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Hobby's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the Provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. att the next Court Which is Granted.

<*Yelverton* v. *Ratcliff. Case. Narratio.*> John Yelverton Comes to prosecute his Suite against Samuel Ratcliff by Thomas Henman his Attorney of a plea of Tresspass on the Case for that to witt that whereas the Said plaintiffe and Defendante on the thirtyeth day of December in the Year of Our Lord One thousand Seven hundred and twenty one at the precinct of Chowan did Bargain and agree with each other in manner and form following Videlicet that he the said plaintiffe Should deliver unto him the said Defendante a Mare properly belonging to him the said plaintiffe and the plaintiffe in fact Sayth that according to the said agreement he did Sell and deliver his Said Mare to him the said Defendante In Consideration whereof the Defendante promised and assumed upon himself to deliver to him the said plaintiffe a Mare properly belonging to him the said Defendante and also two barrels of pitch good and merchantable when he should be thereunto required; Nevertheless the Said Defendante not regarding his Said promises and agreements but fraudulently intending to deceive the plaintiffe in this behalfe hath not deliver'd his Said Mare to the plaintiff nor the said Two barrels of pitch altho' the plaintiffe hath often required him afterwards Videlicet the Year and place aforesaid but hath always denyed So to do to the plaintiffe's damage fifteen pounds and therefore he brings this Suite etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond and Security taken for the said Samuel's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall, It is therefore Order'd that the Provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe
<323> Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court on the last Tuesday in July next Which was Granted.

<*West Administratrix* v. *Barber. Debt. Narratio.*> Martha West Administratrix to the Estate of Thomas West late Treasurer of Chowan etc. complaines against Charles Barber in Custody etc. of a plea that the defendante Should render to the plaintiffe the sum of two pounds Sterling money etc. due by Bill dated the fourth day of October One thousand Seven hundred and Eighteen and here in Court produced etc.

<*Discontinued.*> And the Said Plaintiffe (being Solemnly required) came not nor prosecuted her Writt aforesaid; Therefore It is Consider'd and Order'd that the said plaintiffe be from hence in mercy and that the Said Defendante may go without day and that the plaintiffe pay Costs alias Execution.

<*Porter and Uxor Executrix* v. *Williams Executrix. Narratio.*> Joshua Porter and Catherine his Wife formerly Catherine Glover Widow Executrix of the Honorable William Glover Esqr. deceased by Thomas Henman their Attorney comes to prosecute their Suite against Mary Williams Surviving Executrix of Lewis Williams late deceased in custody etc. of a plea that she the said Defendante render unto them the said plaintiffe's the Sum of fifty shillings which she the said Defendante unjustly detaines from them the said plaintiffes (to witt) the first day of September in the Year of Our Lord One thousand Seven hundred and twenty two at the precinct of Chowan the Same being due by Bill under the hand of the said Lewis in his life time dated the second day of November Anno Domini One thousand Seven hundred and Six payable to the said William in his life time (to witt) the day and year last abovementioned and here in Court produced which Said Sum the said Lewis in his life time did not pay nor hath the said Mary Since the death of the said Lewis paid the same to the said William in his life time or to either of the plaintiffe's Since his death altho' often thereunto required to the damage of the plaintiffe's fifty shillings and therefore they bring this Suite etc. and bring here into Court the Lettres testamentary of the said William by which it may fully appear to the Court here that the said Catherine is Executrix of the said William etc.

And the Said Defendante' (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the Said Defendante's appearance as by Law he ought to have done, Wherefore the plaintiffes was putt to their choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate,

<*Order* v. *Marshall.*> And the plaintiffe's aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the Provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs;

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the Said Defendante for the Debt and Costs aforesaid So as to compell her to appear etc. at the next Court on the last Tuesday in July next which was Granted.

<*Hooker* v. *Wilkinson. Debt. Narratio.*> William Hooker comes to prosecute his Suite against James Wilkinson in Custody etc. of a plea that he the said Defendante render unto him the said plaintiffe the sum of thirty pounds which he the said Defendante oweth and unjustly detaineth from him the said plaintiffe (to witt) the fourth day of May One thousand Seven hundred and twenty two at the precinct of Chowan Due by Bill under the Defendante's hand Dated the same day and Year and here in Court produced etc.

And the Said Defendante (being Solemnly called) came not; Whereupon the Marshall making returne of Jacob Lewis Security for the said James as by the Baile Bond herein Court produced appeareth; And the said plaintiffe (being putt

to his choyce either to have an Order against the Security with Stay of Execution till the next Court <324> Or an Attachment against the Defendante's Estate) made Choice of an Order against the Security.

<*Order* v. *Security.*> Judgement is therefore Granted against the said Jacob Lewis for the said Sum of thirty pounds and Costs with Stay of Execution till the next Court.

<*Attachment.*> Whereupon the said Jacob Lewis prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court on the last Tuesday in July next; Which was Granted.

<*Peirce* v. *peacock and Washington. Debt. Narratio.*> Thomas Peirce of Chowan precinct by Thomas Henman his Attorney comes to prosecute his Suite against Samuel peacock and Richard Washington in Custody etc. of a plea that they the said Defendante's Should render unto him the said plaintiffe the sum of nine pounds and twelve shillings and nine pence which they the said Defendante's owes and unjustly detaines from him the said plaintiffe Videlicet the thirty first day of October One thousand Seven hundred and twenty One at the precinct of Chowan aforesaid the same being due by Bill or Writing Obligatory under the Defendante's hand dated the twenty Sixth day of July in the year of Our Lord One thousand and Seven hundred and twenty one payable to the plaintiffe or his Assignes and here in Court produced etc.

And the said Defendantes (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendantes Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall.

<*Order* v. *Marshall.*> It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the Said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next; Which is Granted.

<*Parris* v. *pridgeon. Case. Narratio.*> Thomas Parris by Thomas Henman his Attorney comes to prosecute his Suite against Francis pridgeon in Custody etc. of a plea of Trespass on the Case for that to witt that whereas the said Defendante owes and Stands Justly indebted to him the said plaintiffe the Sum of four pounds and one peny to witt the sixth of August one thousand Seven hundred and twenty one at the precinct of Chowan which the Defendante promised to pay to the plaintiffe the same being due by account here in Court produced etc.

And the said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next

Court; Or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall.

<*Order* v. *Marshall.*> It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next Which was Granted.

<*Dudley* v. *Blitchenden. Debt. Narratio.*> Christopher Dudley by Thomas Boyd his Attorney Comes to prosecute his Suite against Thomas Blitchenden of perquimons precinct in Custody etc. of a plea that he render the plaintiffe the full and Just Sum of forty nine pounds Sterling money which he oweth him and unjustly detaines etc. the same being due by a Bill under the Defendante's hand and Seale whose date is the Second day of May One thousand Seven hundred and Seventeen and here in Court produced etc. And the said Defendante (being Solemnly called) <325> Came not nor did the Marshall make returne of Bond or Security taken for the Said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the Said Defendante for the aforesaid Debt and Costs So as to compell him to appear etc. at the next Court on the last Tuesday in July next; Which was granted.

<*Dudley* v. *Skinner Administrator. Narratio.*> Lewis Skinner Administrator of the Goods and Chattells rights and Creditts which were of William Brinn who dyed Intestate etc. was Summoned to answer Christopher Dudley of a plea that he render him the Sum of thirty pounds or fifteen barrells of good and merchantable Pitch which from him he unjustly detaines etc. And whereupon the Same Christopher Dudley by Thomas Boyd his Attorney Sayes that whereas the aforesaid William Brinn in his life time upon the fifteenth day of february One thousand Seven hundred and Sixteen Seventeen by his certain Bill Obligatory whose date is the day and year abovesaid and here in Court produced did acknowledge himselfe to owe to the said Christopher the aforesaid thirty pounds in Bills or fifteen barrels of pitch good and merchantable to be paid to him the said Christopher upon demand at piney poynt in Perquimons River and to the same payment the said William bound himself his heirs or assignes by the same Bill yet the aforesaid William in his life time not the aforesaid Lewis Skinner to whom Administration of all the goods and Chattells which were the aforesaid Williams at the

time of his death were committed altho' often demanded hath not rendred it to him the said Christopher but the Same to render hath denyed etc.

<*Defendante's Appearance and plea.*> And Thomas Speight on the behalfe of the said Defendante comes to defend the force and Injury when etc. and Sayeth nothing in Barr or avoydance of the aforesaid Action of the aforesaid Christopher by which the said Christopher against the said Lewis Should remaine undefended;

<*Judgement.*> Therefore It is Consider'd that the aforesaid plaintiffe Shall recover and have of the said Defendante the Sum of ten pounds with Costs alias Execution <*Satisfaction*> Which Said Sum and Costs the aforesaid Thos. Speight on behalfe of the said Defendante paid in Court; therefore the Said Lewis of the debt and damages is acquitted etc.

<*Dowers* v. *Minge. Debt. Narratio.*> William Dowers by Thomas Henman his Attorney comes to prosecute his Suite against James Minge in custody etc. of a plea that he the said Defendante render to him the Said plaintiffe the sum of Seven pounds Sterling which he the said Defendante owes and unjustly detains from him the said plaintiffe (to witt) the twenty ninth day of July One thousand Seven hundred and twenty one at the precinct of Chowan the Same being due by Bill under the Defendante's hand dated the Same day and year and here in Court produced etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly called) came not; (And the Marshall having made returne that he had left a Copy of the Writt and declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided etc.) <*Attachment*> Therefore at the plaintiffe's Motion an Attachment is granted against the Goods and Chattells of the said James Minge thereby to compell him to appear and answer to the suite of the said plaintiffe returnable to the next Court on the last Tuesday in July next.

<*Dowers* v. *Minge. Debt. Narratio.*> William Dowers by Thomas Henman his Attorney comes to prosecute his Suite against James Minge in custody etc. of a plea that he the said Defendante render unto him the said plaintiffe the Sum of four pounds which he the said Defendante owes and unjustly detains from him the said plaintiffe (to witt) the twenty ninth day of July One thousand Seven hundred and <326> twenty one at the precinct of Chowan the same being due by Bill under the Defendante's hand dated the same day and year and here in Court produced etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly called) came not, (And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made and provided etc.)

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the goods and Chattells of the said James Minge thereby to compell him to appear and Answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

Henman v. Simpson Debt. Return'd Copy left. Discontinued by the plaintiffe.

<*Macgennes* v. *Osborne. Narratio.*> Timothy Macgennes of Chowan precinct planter is plaintiffe and Robert Osborne of Craven Precinct planter is Defendante

in a plea of Trover and Conversion etc. And the said plaintiffe by Edward Moseley his Attorney complaines against the Defendante etc. for that whereas the said plaintiffe at Core Sound in Craven precinct on the tenth day of March Anno Domini One thousand Seven hundred and twenty one was possessed of a Certain Negro Woman named Flora and a certain Negro Boy nam'd Ben of the value of One hundred and Eighty pounds current money of North Carolina as of the proper goods and Chattells of the Said plaintiffe and being thereof So possess'd the said plaintiffe the day and year aforesaid the said Negro Woman and Negro Boy out of his hands and possession casually lost which Said Negro Woman and Negro Boy afterwards that is to Say on the eleventh day of March last to the hands and possession of the said Defendante by finding came and the Said Defendante well and Sufficiently knowing the said Negro Woman and Negro Boy to be the proper goods and Chattles of the said plaintiffe and to him of right to belong and devising and craftily intending the said Plaintiffe of the said Negro Woman and Negro Boy to defraud and deceive tho' often requested the said Negro Woman and Negro Boy hath not restored to the plaintiffe But the said Defendante afterwards Videlicet on the said eleventh day of March last past to his own proper Use and benefitt hath converted and disposed to the plaintiffe's damage One hundred and eighty Six pounds and thereupon he brings this Suite etc.

<*Discontinued.*> And the said Plaintiffe (being Solemnly required) came not nor prosecuted his Writt aforesaid; Therefore It is Consider'd by the Court here that the Said plaintiffe be from hence in mercy and that the said Defendante may go without day and that the plaintiffe pay Costs alias Execution.

<*Hewett* v. *Wells. Debt. Narratio.*> William Hewett of Albemarle County by Thomas Henman his Attorney comes to prosecute his Suite against William Wells of Bath County in custody, etc. of a plea that he the Said Defendante render unto him the said plaintiffe the Sum of Sixteen pounds Six Shillings and eight pence Sterling money of Great Brittaine which he the said Defendante owes and unjustly detaines from him the Said plaintiffe Videlicet the first day of August One thousand Seven hundred and eighteen at the precinct of Chowan due by Bill dated the thirty first day of May One thousand Seven hundred and eighteen payable to the plaintiffe on or before the first day of August next ensuing the date thereof and here in Court produced etc.

And the Said Defendante (being Solemnly called) came not, nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate and the plaintiffe aforesaid making choyce of an Order against the Marshall; <*Order* v. *Marshall*> It is therefore Order'd that the provost Marshall of Bath County have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe otherwise Judgment to be confirm'd against the Marshall for the aforesaid Debt and Costs. <*Attachment.*> Whereupon the Marshall prayed an Attachment against the Defendante's Estate for the debt and Costs aforesaid So as to compell him to appear etc. at next Court Which is Granted.

<327> <*Sanderson Administrator* v. *Willison. Debt. Narratio.*> Richard Sanderson Esqr. Administrator of the Estate of John Ormondy deceased by Lettres of Administration granted according to Law and here in Court produced by William Little his Attorney Comes to prosecute his Suite against John Willison of the said Colony in Custody etc. of a plea that the Defendante Should render to the plaintiffe the sum of Twelve pounds ten shillings which he unjustly detains for that videlicet in Carolina aforesaid on the fourteenth day of March One thousand Seven hundred and twenty the said John Willison by his writing obligatory under his hand and Seale in Court produced dated at the same time did bind and oblige himself to pay to the said John Ormondy his heirs Executors Administrators or Assignes the Sum of twelve pounds ten shillings Sterling on or before the fifteenth day of July next July ensuing the date thereof yet he the said Defendante the said Sum due as aforesaid to the said John Ormondy in his lifetime did not pay on or before the Said fifteenth day of July or at any time after nor to the said Richd. Sanderson his Administrator at any time Since but the same denys and refuses tho' often requested to the plaintiffe's damage fifteen pounds and therefore he brings this Suite etc.

And the Said Defendante (being Solemnly called) Came not nor did the Marshall make returne of Bond or Security taken as by Law he ought to have done Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate; <*Order* v. *Marshall*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of the County of Bath have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next Which Was Granted.

<*Porter and Uxor* v. *Billett. Debt. Narratio.*> Joshua Porter and Catherine his wife Executrix of the last Will and Testament of Tobias Knight Esqr. deceased by Thomas Henman their Attorney comes to prosecute their Suite against Alice Billett Widow Executrix of the Last Will and Testament of Saml. Willson deceased in custody etc. of a plea that she the said Defendante render unto them the said plaintiffe's the Sum of Twenty pounds Sterling money of Great Brittaine which she the Said Defendante unjustly detaines from them the said plaintiffe's (to witt) the first day of August one thousand Seven hundred twenty two at the precinct of Chowan the same being due by Bill under the hand of the said Willson in his life time (to witt) the third day of January then next ensuing and is here in Court produced which Said Sum or any part thereof the said Willson in his life time did not nor hath the said Alice Since his death paid to the said Tobias in his life time nor to the plaintiffe's or either of them Since the death of the said Tobias altho' the said Willson in his life and the said Defendante's Since his death have been often required to pay the Same by the said Tobias in his life time and by the plaintiffe's Since the death of the said Tobias to the plaintiffes damage twenty

pounds Sterling money of great Brittaine and therefore they bring Suite etc. and bring into Court here the Lettres Testamentary of the said Tobias by which it may fully appear to the Court here that the said Catherine is Executrix of the said Tobias etc.

<*Marshall's returne.*> And the Defendante (being Solemnly called) came not. And the Marshall having made return that he had left a Copy of the Writt and Declaration at the Defendante's house as directed by an Act of Assembly in that Case made etc. <*Attachment.*> Therefore at the plaintiffe's Motion an Attachment is granted against the Goods and Chattells of the said Defendante thereby to compell her to appear and answer to the suite of the said plaintiffe returnable to the next Court on the last Tuesday in July next.

<328> Porter and Uxor Executrix v. Stanton Executor Debt return'd Cepi Corpus discontinued by the plaintiffe's.

<*Mountfort etc.* v. *Mayo. Debt. Narratio.*> Jonathan Mountfort Joseph Yorke and Elizabeth Mitchell Relict Widdow of John Mitchell late of Charles Towne deceased (all of New England) late Owners of the Sloop Hannah and Mary in Company etc. complaines against Edward Mayo Surviving Executor of Ann Jennings Widdow deceased formerly Ann Scarborough Widow of a plea that he the said Defendante render unto them the said plaintiffe's the Sum of Eight pounds and ten pence in Specie which he the said Defendante unjustly detaines from them the Said plaintiffes (to witt) the first day of September One thousand Seven hundred and twenty two at the precinct of Chowan the same being due from her the Said Anne in her life time by the name of Anne Scarborough by Obligation under her hand and Seale dated the twenty fifth day of July one thousand Seven hundred and fifteen payable to the Said John Mitchell (in his life time) or Company or Order and here in Court produced which Said Sum the Said Anne in her life time did not pay or cause to be paid nor hath the Defendante paid the Same Since the death of the said Anne either to the said John Mitchell in his life time or to the plaintiffes or any of them Since the death of the said John altho' often thereunto required to the plaintiffe's damage Eight pounds and ten pence in Specie and therefore they bring this Suite etc. and she the said Elizabeth produces here in Court the Lettres Testamentary by which it may fully appear to the Court here that she is Executrix of the said John Mitchell deceased etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken as by Law he ought to have done Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall: <*Order* v. *Marshall*> It is Therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Other wise Judgement to be confirm'd against the Said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next, Which was Granted.

<*Henman* v. *Pritchard. Debt.*> Thomas Henman in his owne proper person comes to prosecute his Suite against Mathew Pritchard in custody etc. of a plea that he the said Defendante render to him the said plaintiffe the Sum of five pounds Sterling which he the Said Defendante owes and unjustly detaines from him the said plaintiffe (to witt) the thirtyeth day of October in the year of Our Lord One thousand Seven hundred and Eighteen at the precinct of Chowan the same being due by Bill under the Defendante's hand dated the Same day and year and here in Court produced etc.

And the Said Defendante (being Solemnly called) came not; nor did the Marshall make returne of Bond or Security taken as by Law he ought to have done. Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendante's Estate And the plaintiffe aforesaid making choyce of an Order against the Marshall;

<*Order* v. *Marshall*> It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the said Marshall for the aforesaid Debt and Costs;

<*Attachment*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next; Which was Granted.

<329> <*Badham Administrator* v. *Keefe. Debt. Narratio.*> William Badham Administrator of the Goods and Chattells etc. of Thomas Roper deceased by Lettres of Administration granted according to Law and here in Court produced comes to prosecute his Suite against Treadle Keefe in custody etc. of a plea that the Defendante Should render to the plaintiffe the Sum of Seven pounds fifteen Shillings and nine pence which he unjustly detaines for that to witt that whereas at Chowan in the province aforesaid on the twentyeth day of July anno Domini One thousand seven hundred and twenty two the said Treadle Keef by his writing obligatory under his hand dated the Same day and year and here in Court produced did acknowledge himself indebted to the said Thomas Roper in the said Sum of Seven pounds fifteen Shillings and nine pence Yet he the said Defendante the said Sum (due as aforesaid) to the Said Thomas Roper in his life time did not pay nor to the said Wm. Badham his Administrator at any time since his death but the same to pay doth deny and refuse; tho' often thereunto required which is to the plaintiffe's damage Seven pounds fiffteen shillings and nine pence and therefore he brings this Suite etc.

And the said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante at the next Generall Court

to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the said Marshall for the aforesaid Debt with Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next Which was granted.

<*Dun* v. *Bundy. Case. Narratio.*> John Dunn by Thomas Henman his Attorney comes to prosecute his Suite against John Bundy Executor of the last Will and Testament of Caleb Bundy Junior deceased in custody etc. of a plea of tresspass on the Case for that to witt that whereas the said John Dunn on the twelfth day of August One thousand Seven hundred and Seventeen at the precinct of Chowan in the province aforesaid was possess'd of two Caskes of Tobacco pipes containing twenty four Grose markt and numbred No. E D 1. 3. of the value of twenty five pounds as his the said plaintiffe's proper pipes and Caskes and So being possess'd the Said plaintiffe afterwards to witt the day and year aforesaid at the place aforesaid out of his hands and possession casually did loose which Said pipes and caskes afterwards to witt the same day and year at the place aforesaid to the hands and possession of the said Caleb in his life time by finding did come Nevertheless the said Caleb in his life time and the said Defendante Since the death of the said Caleb knowing the said pipes and Caskes to be the proper pipes and Caskes of the plaintiffe and to him of right to belong he the said Caleb in his life time would not deliver nor the defendante Since his death to the plaintiffe tho' often thereunto required but he the Said Caleb in his life time Videlicet the thirteenth day of August One thousand Seven hundred and Seventeen the Same pipes and Caskes to his own proper use did convert and dispose to witt at the precinct of Chowan aforesaid and also the Defendante Since the death of the Said Caleb hath to his own proper use converted the same to the plaintiffe's damage twenty five pounds and therefore he brings this Suite etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the Defendante's appearance as by Law he ought to have done.

Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court, Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirmed against the Said Marshall for the aforesaid Debt and Costs;

<*Attachment*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the debt and Costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next; Which was granted.

<330> <*Johnston* v. *Mackey. Debt. Narratio.*> John Johnston by Thomas Henman his Attorney comes to prosecute his Suite against John Mackey planter in Custody etc. of a plea that he the said Defendante Should render unto him the

Said plaintiffe the Sum of four pounds ten Shillings which he the said Defendante owes and unjustly detaines from him the Said plaintiffe Videlicet the tenth day of December One thousand Seven Hundred and twenty one at the precinct of Chowan in the province aforesaid the Same being due by Bill or Writing Obligatory under the Defendante's hand dated the fifth day of April One thousand Seven hundred and twenty one payable to the plaintiffe or to his Assignes and here in Court produced etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken as by Law he ought to have done for the said Defendante's appearance.

Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.* > And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the Said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.* > Whereupon the Marshall prayed an Attachment against the Estate of the Said Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court on the last Tuesday in July next; Which was granted.

<*Clayton* v. *Mathews. Debt.* > Henry Clayton Esqr. comes to prosecute his Suite against Thomas Mathews in Custody etc. of a plea that he the Said Defendante Should render unto him the Said plaintiffe the Sum of twenty nine pounds eighteen Shillings Current money which he the Said Defendante owes and unjustly detaines from him the Said plaintiffe (to witt) the fifteenth day of May in the year of Our Lord One thousand Seven hundred and twenty two at the precinct of Chowan the Same being due by Bill or Writing Obligatory under the defendante's hand dated the Same day and year and here in Court produced etc. And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the Defendante's appearance as by Law he ought to have done.

Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.* > And the plaintiffe aforesaid making Choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the Said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be Confirm'd against the Said Marshall for the Said Debt and Costs;

<*Attachment.* > Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court on the last tuesday in July next; Which was granted.

<*Howett* v. *Cersey. Case.* > William Howett by Thomas Henman his Attorney comes to prosecute his Suite against John Cersey in Custody etc. of a plea of

Tresspass on the Case for that (to witt) that whereas the Said Defendante the eighth day of March One thousand Seven hundred and twenty at the precinct of Chowan was indebted to him the said plaintiffe the sum of nineteen pounds and two shillings as appears by an Account of particulars here in Court produced etc.

<*Marshall's returne.* > And the Said Defendante (being Solemnly called) came not, And the Marshall having made returne that he had left a Copy of the Writt and Declaration at the house of the Said Defendante as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.* > It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the Goods and Chattells of the Said John Cersey thereby to compell him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the Last Tuesday in July next.

<331 > <*Pugh* v. *Hambleton. Case.* > Theophilus pugh Merchant complaines of John Hambleton of the precinct of Chowan in the Custody of the Marshall etc. in a plea of the Case etc. And whereupon the Said plaintiffe by Thos. Swann his Attorney complaines for that whereas the Said plaintiffe the fifteenth of September One thousand Seven hundred and eighteen at the especiall instance and request of the Said Defendante Sold and delivered to him the Said Defendante divers Goods wares and merchandizes to the value of Eighteen Hundred three and an halfe pounds of Tobacco good and merchantable a particular account whereof is filed in Court and herewith produced etc.

<*Defendante's appearance and plea.* > And the Said Defendante in his own proper person comes and defends the force and injury when etc. and Sayth nothing in Barr or Avoydance of the aforesaid Action of the aforesaid pugh by which the said pugh against Hambleton Should remaine undefended;

<*Judgment* > Therefore it is Consider'd that the aforesaid Theophilus pugh Shall recover and have against the said John Hambleton the aforesaid Sum of Eighteen hundred three pounds and an halfe of Tobacco with Costs alias Execution.

<*Speir* v. *Hambleton. Debt.* > John Speir by William Little his Attorney comes to prosecute his Suite against John Hambleton in Custody etc. of a plea that the Defendante Should render to the plaintiffe the sum of nine barrells of Tarr which to the plaintiffe he oweth and unjustly detaineth for that the Defendante by his Writing obligatory under his hand dated the twentyeth day of October One thousand Seven hundred and eighteen ready in Court did oblige himself to pay to the plaintiffe the Said Sum of nine barrells of Tarr etc.

<*Satisfaction.* > And the Said plaintiffe by William Little his Attorney aforesaid confesseth himself to be Satisfyed of the debt and damages aforesaid.

Therefore the Said John Hambleton of the Said Debt and damages is acquitted etc.

<*Bray* v. *Hudson. Debt. Narratio.* > Thomas Bray by Thomas Henman his Attorney comes to prosecute his Suite against William Hudson in custody etc. of a plea that he the Said Defendante render unto him the said plaintiffe the Sum of Seven pounds five Shillings current money of North Carolina which he the said Defendante owes and unjustly detains from him the said plaintiffe in behalfe of Major Nicholas Merreweather (to witt) the twenty first day of July one thousand Seven hundred and nineteen at the precinct of Chowan the Same being due by

Bill under the Defendantes hand dated the Same day and year payable to the plaintiffe on behalfe of the said Merreweather and here in Court produced etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall.

<*Order* v. *Marshall.*> It is therefore Order'd that the provost Marshall of Albemarle County have the body of the Said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court on the last Tuesday in July next; Which was granted.

<*Every* v. *Linington. Debt. Narratio.*> John Every by Edwd. Moseley his Attorney comes to prosecute his Suite against Edward Linington in custody of a plea that he the Said Defendante Should render unto him the Said plaintiffe the Sum of ten pounds Sterling money of Great Brittaine which he the said Defendante owes and unjustly detaines from him the Said plaintiffe Videlicet the twenty ninth day of September One thousand Seven hundred and twenty One at the precinct of Chowan in the province aforesaid the Same being due by Bill or Writing obligatory under the Defendante's hand dated the twenty Seventh day of May One thousand Seven hundred and twenty one payable to the plaintiffe and here in Court produced etc. <*Marshalls returne.*> And the Said Defendante (being Solemnly called) came not And the Marshall having made returne that he left a Copy of the Writt and <332> Declaration at the house of the said Defendant as directed by an Act of Assembly in that Case made and provided etc. <*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the goods and Chattells of the said Edward Linington thereby to compell him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

<*Fry Assignee* v. *Linington. Narratio.*> Thomas Fry Assignee of Charles Denman by Edward Moseley his Attorney comes to prosecute his Suite against Edward Linington in custody etc. of a plea that he the Said Defendante Should render unto him the Said plaintiffe the Sum of nineteen pounds Sterling money of England which he the said Defendante owes and unjustly detaines from him the said plaintiffe Videlicet the twenty third day of December One thousand Seven hundred and Seventeen at the precinct of Chowan in the province aforesaid the Same being due by Bill or Writing Obligatory under the Defendante's hand dated the Same day and year payable to the said Charles Denman or his Assignes and by Assignment became due to the plaintiffe which Bill and Assignment are here in Court produced etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly called) came not; And the Marshall having made returne that he left a Copy of the Writt and

Declaration at the house of the Said Defendante as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the goods and Chattells of the said Edward Linington thereby to compell him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

Walker v. Garrett Debt return'd Executed. Discontinued by the plaintiffe.

<*Dowers* v. *Montier. Debt. Narratio.*> William Dowers by Thomas Henman his Attorney comes to prosecute his Suite against Lewis Montier in custody etc. of a plea that he the said Defendante render unto him the said plaintiffe the Sum of nine pounds two Shillings and three pence which he the said Defendante owes and unjustly detaines from him the Said plaintiffe Videlicet the Second day of Aprill One thousand Seven hundred and twenty at the precinct of Chowan in the Province aforesaid Eight pounds nineteen Shillings and three pence part thereof being due by Bill under the Defendante's hand dated the same day and Year and the remainder being two Shillings and Six pence due by Account which Bill and Account are here in Court produced etc.

And the Said Defendante (being Solemnly called) came not, nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making Choyce of an Order against the Marshall;

<*Order* v. *Marshall*> It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the Said Defendante at the next Generall Court to answer to the plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next General Court on the last Tuesday in July next; Which was granted.

<*Johnston Assignee* v. *White. Debt. Narratio.*> John Johnston Assignee of Thomas Harding by Thomas Henman his Attorney comes to prosecute his Suite against Josias White in Custody etc. of a plea that he the Said Defendante render unto him the said plaintiffe the Sum of Six pounds and fifteen Shillings which he the said Defendante owes and unjustly detaines from him the Said plaintiffe Videlicet at the precinct of Chowan the twenty ninth day of March One thousand Seven hundred and twenty two the same being due to the plaintiffe by Bill under the defendante's hand dated the same day and year and payable to the aforesaid Thos. Harding or Order and by him endorsed to the plaintiffe and is here in <333> Court produced etc. And the Said Defendante (being Solemnly called) came not; <*Marshall's returne*> And the Marshall having made returne that he left a Copy of the Writt and Declaration at the house of the Defendante as directed by an Act of Assembly in that Case made and provided etc.

It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the Goods and Chattells of the Said Josias White thereby to compell

him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

Peirce v. Landsell Tresspass and assault, return'd Security taken. Retraxit.

Keatton v. Molton Tresspass on the Case return'd Executed. Discontinued by the plaintiffe.

<*Bray* v. *Turner. Debt. Narratio.*> Thomas Bray Gentleman complaines against James Turner in custody of the Marshall etc. of a plea that he the said Defendante Should render unto him the said plaintiffe the Sum of thirty eight pounds Sterling money of Great Brittaine which he the said Defendante owes and unjustly detaines from him the said plaintiffe Videlicet the Sixth day of February in the Year of Our Lord One thousand Seven hundred and fifteen at the precinct of Chowan in the province aforesaid the Same being due by Bond or Writing Obligatory under the Defendante's hand and Seale Dated the Same day and year and here in Court produced etc.

<*Marshall's returne.*> And Thomas Spires Deputy Marshall to Thos. Harvey Esq. Provost Marshall having made returne thereof (non est inventus) and the said Defendante (being Solemnly Called) came not; <*Attachment*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the Goods and Chattells of the Said James Turner thereby to compell him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

<*Peskens* v. *Bell. Account render.*> Thomas peskens alias dictus Thomas peskitt by Edward Moseley his Attorney comes to prosecute his Suite against James Bell alias dictus James Bell of the precinct of pasquotank planter in custody of the Marshall etc. for that he the Said Defendante Should render unto him the Said plaintiffe his reasonable Account of the time the Said James was the Receiver of the Money goods and Merchandizes of him the Said plaintiffe he the said James (to witt) the fourteenth day of August One thousand Seven hundred and twenty One having been then Receiver of the plaintiffe's Money Goods and Merchandizes from the said fourteenth day of August One thousand Seven hundred and twenty One untill the first day of January One thousand Seven hundred and twenty two and in and by the same time had received of the moneys goods and merchandizes of him the said plaintiffe by the hands of Thos. Williams the sum of Ten pounds for him the said plaintiffe and to render a reasonable Account of the time issues and proffitts of the Money etc. to the said plaintiffe when he the said James Should be thereunto required and yet the Said James altho' often required hath not rendred his reasonable Account but the Same doth deny and refuse which is to the plaintiffe's damage ten pounds and therefore he brings this Suite etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly called) came not; And the Marshall having made returne that he left a Copy of the Writt and Declaration at the house of the said Defendante as directed [*by*] an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the Goods and Chattells of the said James Bell thereby to compell him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

<334> <*Peskitt* v. *Bell. Debt. Narratio.*> Thomas Peskitt alias dictus Thomas peskens by Edward Moseley his Attorney comes to prosecute his Suite against James Bell alias Dictus James Bell of the precinct of pasquotank planter in custody etc. of a plea that he the said Defendante Should render to him the Sum of Eighteen pounds which to him the said plaintiffe he owes and from him unjustly detaines for that to witt that whereas the Said James on the twelfth day of March One thousand Seven hundred and twenty two at the precinct of Chowan in the province aforesaid by his certaine Bill Obligatory Signed by the said Defendante dated the Same day and year and here in Court produced did acknowledge himself to owe and Stand indebted to the aforesaid Thomas the said Sum of Eighteen pounds to be paid to the said Thomas his heirs Executors Administrators or Assignes upon the tenth day of December next ensuing the date thereof etc.

<*Marshall's returne.*> And the said Defendante (being Solemnly called) came not, And the Marshall having made returne that he left a Copy of the Writt and Declaration at the house of the Defendante as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiff's Motion that an Attachment be issued out against the Goods and Chattells of the Said James Bell thereby to compell him to appear and Answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

<*Moseley* v. *Keefe. Debt. Narratio.*> Edward Moseley of Chowan precinct Gentleman in his own proper person Comes to prosecute his Suite against Treadle Keefe in custody etc. of a plea that he the said Defendante Should render unto him ten barrells of good and merchantable pitch which to him he oweth and from his unjustly detaineth for that (to witt) that whereas the said Treadle the ninth day of May One thousand Seven hundred and fifteen at the precinct of Chowan in the province aforesaid by his Writing Obligatory Signed by the Said Defendante Dated the same day and year and here in Court produced did acknowledge himself indebted to the aforesaid Edward the said Quantity of ten barrells of pitch to be paid to the said Edward or his Order when he Should be thereunto required etc. And the Said Defendante (being Solemnly called) came not; <*Marshall's returne*> And the Marshall having made returne that he left a Copy of the Writt and Declaration at the house of the Defendante as directed by an Act of Assembly in that Case made etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the Goods and Chattells of the said Treadle Keefe thereby to compell him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

<*Reddick* v. *Rountree. Tresspass etc. Narratio.*> Mary Reddick by Thomas Swann her Attorney comes to prosecute her Suite against Thomas Rountree in custody etc. of a plea of Tresspass assault and Battery for that the Said Defendante on the twenty eighth day of July in the year of Our Lord One thousand Seven hundred and twenty one with force and armes etc. upon the aforesaid Mary at Chowan precinct an Assault did make and her the said Mary did then and there beat Batter bruise wound Stripp whip and evilly handle So that of her life almost it was despaired of and other enormitys to her did do and cause to be done Contrary to the peace of Our Sovereign Lord the King that now is and to the

damage of the Said Mary one hundred pounds and thereupon She brings this Suite etc.

<*Imparlance.*> And the Said Defendante by William Little his Attorney prayeth Spceiall Lycence to Imparle untill the next Court on the last Tuesday in July next to answer to the plaintiffe of the plea aforesaid and he hath [*illegible*] the Same day is also given to the plaintiffe.

<*Ogilby* v. *Sale. Attachment.*> Patrick Ogilby by Thomas Henman his Attorney comes to prosecute an Originall Attachment granted him by Adam Cockburne Esqr. one of the Members of this Court against the estate of John Sale for the sum of eight pounds ten Shillings returnable to this Court wherein the Said patrick Complaines that <335> he the Said Defendante render unto him the said plaintiffe the sum of Eight pounds ten Shillings current money which he the said Defendante owes and unjustly detaines from him the Said plaintiffe (to witt) the twenty fifth day of May One thousand Seven hundred and twenty two at the precinct of Chowan the Same being due by two bills under the Defendante's hand Dated the day and year aforesaid payable to the plaintiffe and here in Court produced etc.

<*Marshall's returne.*> Which Attachment was return'd Executed in the hands of John Ansley who came into Court and acknowledg'd that he hath enough of the Estate of the said John Sale in his hands to Satisfy and pay the said Debt and Costs.

<*Debt proved.*> And the said Defendante (being Solemnly Called) Came not Whereupon the plaintiffe proceeded by his Corporall Oath to prove the debt due from the said Defendante according to the form of an Act of Assembly in that Case made and provided.

<*Judgment by Default.*> And for Default of the said Defendante's Appearance; It is Consider'd by the Court here that unless the Defendante do appear at next Court to answer the Said plaint Judgement Shall be then affirm'd for the plaintiffe that he recover and have of the Defendante in the hands of John Ansley the Said Sum of Eight pounds ten shillings and Costs.

<*Howett* v. *Canings Administrator Account render. Narratio.*> William Howett by Thomas Henman his Attorney comes to prosecute his Suite against Joseph Canings Administrator of all and Singular the goods and Chattells rights and Credits which were of John Cann late deceased at the time of his death in Custody etc. for that he the Said Defendante do render unto him the said plaintiffe his reasonable Account of the time he the said John Cann deceased was the Bailiff and Receiver of the plaintiffe and the money goods and Merchandize of him the Said plaintiffe he the Said John Cann having been the Bailiff and receiver of the plaintiffe's Money Goods and Merchandize in his life time to witt from the eighth day of June One thousand Seven hundred and eighteen untill the time of the death of the said John Cann and in and by the same time had and received of the money goods and Merchandizes of him the said plaintiffe from his the said plaintiffe's own hands divers goods Wares and merchandizes to the value of thirty five pounds twelve shillings and Six pence as by an Account of particulars thereof herein Court produced more fully and at large doth appear to Sell merchandize and make proffitt thereof for him the Said plaintiffe and to render a reasonable

Account to the said plaintiffe of the time Issues profitts and moneys aforesaid when he should be thereunto requested Nevertheless the said John Cann in his life time did not nor the said Defendante Since the death of the said John altho' often by the plaintiffe required hath not rendred his reasonable account aforesaid to the said plaintiffe But the said John in his lifetime denyed and the plaintiffe Since the death of the Said John hath also hitherto denyed to render unto him the said plaintiffe the same Whereupon he Sayth he is damnyfied and damage hath Sustained to the Value of fifty pounds Sterling and therefore he brings this Suite etc.

<*Defendante's Appearance.*> And the Defendante by Edw. Moseley his Attorney comes and defends the force and Injury when etc. And Says that the said plaintiffe his Action aforesaid ought not to have etc. because he Says that he at the time of purchasing the Writt aforesaid had fully administred of all and Singular the Goods and Chattells which were of the aforesaid John Cann in his hands to be administred of by which the aforesaid Defendante the Debt aforesaid to the aforesaid plaintiffe cannot pay and this he is ready to verifie etc.

<*Continuance.*> And here upon by the Consent of both parties the said Cause is putt in respite untill the next Court on the last Tuesday in July next.

<336> <*Ellison* v. *Howcott. Case. Narratio.*> William Ellison of the County of Albemarle by William Little his Attorney comes to prosecute his Suite against John Howcott of the same County planter in Custody etc. of a plea of the Case for that to witt in the County aforesaid on the eighth day of September One thousand Seven hundred and Sixteen he the Defendante being indebted to the plaintiffe a Merchant the Sum of three pounds fourteen shillings and Six pence for Ozenbriggs and Sundry Merchandize then Sold and deliver'd the Defendante as by the Account in Court produced he the Defendante Videlicet at the same time and place did assume and promise to the plaintiffe the Said Sum to pay when he should be thereunto requested; yet he the said Defendante the said Sum hath not paid but the Same to pay unjustly denyes and refuses tho' often required to the plaintiffe's damage five pounds and therefore he brings this Suite etc. And the Said Defendante (being Solemnly called) came not.

<*Marshall's returne.*> And the Marshall having made returne that he left a Copy of the Writt and Declaration at the house of the said Defendante as directed by an Act of Assembly in that Case made etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued out against the Goods and Chattells of the said John Howcott thereby to compell him to appear and Answer to the suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

<*Ellison* v. *Minge. Narratio.*> John Ellison Junior by Willm. Little his Attorney comes to prosecute his Suite against James Minge in custody etc. of a plea that the Defendante Should render the plaintiffe the Sum of Sixteen pounds fifftcen Shillings and eight pence halfe peny Sterling which to the plaintiffe he oweth and unjustly detaines for that to witt in the County of Albemarle on the Seventeenth day of October One thousand Seven hundred and twenty he the said James by his Writing Obligatory under his hand dated at the same time and ready in Court to be produced did oblige himself to pay to the said John the sum of

Sixteen pounds fifteen Shillings and eight pence halfe peny Sterling when thereto required Yet the said James the Said Sum to the aforesaid John hath not paid but denyes and refuses the same to pay tho' often required to the plaintiffe's damage twenty pounds Sterling and therefore he brings this Suite etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly called) came not And the Marshall having made returne that he left a Copy of the Writt and Declaration at the house of the Said Defendante as directed by an Act of Assembly in that Case made and provided etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the goods and Chattells of the Said James Minge thereby to compell him to appear and answer to the suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

Peyton v. Evans Debt: return'd non est inventus. Alias to issue.

Cooke v. pollock Tresspass assault and Battery. Return'd Execut'd. Discontinued.

<*Ogilby* v. *Pinkett. Ejectment. Narratio.*> Patrick Ogilby complaines against Thomas pinkett of Edenton in Carolina aforesaid etc. for that John Falconar of the precinct of Chowan Yeoman the first day of this Instant February one thousand Seven hundred twenty two had demised to the said patrick a tract of Land lying in the precinct of Chowan on Yaupim River which was heretofore the Land of Thomas Clark deceased and called by the name of the Mannor plantation running from Falconers Line to the Creek Forke Branch thence running on the Creek and the River Containing about twelve hundred Acres more or less together with the houses Outhouses fences Orchards buildings priviledges and Appurtenances thereon and thereto belonging To have and to hold to him the said patrick and his Assignes from the first day of this Instant February for the term of One year thence next ensuing by virtue of which demise the said patrick Ogilby afterwards Videlicet on the Second day of this Instant february into the Said Land and demised premises with the appurtenances did enter and was thereof possessed untill the said Thomas afterwards Videlicet on the third day of February Instant with force and armes etc. into the aforesaid demised premises in and upon the <337> possession of the said patrick his term not being then nor yet expired did break and enter and him the said Patrick from his farm aforesaid did eject expell and amove and him So ejected with like force and armes etc. he did and Still doth hold out and other Injurys to him the said patrick then and there did contrary to the peace of Our Sovereign Lord the King and to the damage of the said patrick One thousand pounds and thereupon he brings this Suite etc.

<*Notice.*> Mr. Cornelius Leary. You may perceive by the above declaration that I am Sued for the Lands and premises in your possession to which I have no title Therefore if you have any right or claime thereto you must appear at the next Generall Court to be holden at Edenton the last Tuesday in March next to make defence otherwise I shall Suffer Judgement to pass by default and you will be turned out of possession.

To Mr. Cornelius Leary
Tenant in possession of
the premises in Question

Your friend
Thos. Pinket

<*Leary's Appearance and Motion.*> There upon appear'd in Court Cornelius Leary by Edward Moseley his Attorney who claimed Title to the premises and prayed to be admitted Defendante in the room of the Casuall Ejector which was allow'd. <*Admitted Defendante.*> Thereupon It is Order'd by the Court with the Consent of both partys that the said Cornelius Leary shall become defendante in the room of the Casuall Ejector and that he appear forthwith to the suite of the plaintiffe and Shall receive the Declaration and plead thereto forthwith (Not Guilty) and on the tryall of the Issue shall confess Lease Entry and Ouster and insist on the Title only Otherwise Judgement shall be entred up for the plaintiffe against the said Thomas pinkett Casuall Ejector and Defendante in the Declaration by Default.

<*Plea.*> And the said Cornelius Leary by his Attorney aforesaid comes and defends the force and injury when etc. as <*Issue*> Sayth he is No wayes Guilty as the aforesaid Patrick above against him complaines and of this he putts himself upon the Country etc. And in like manner the plaintiffe. <*Venire.*> Therefore It is Commanded the Marshall that he cause to come on the first day of the next Generall Court twelve etc. by whome etc. who neither etc.

Little v. Gardner Case return'd Copy Left. Retraxit.

Moseley v. Garrett Debt return'd agreed.

<*Smethwick etc.* v. *Williamson. Narratio.*> John Smethwick as well for the poor of the parish Named the Southwest parish of Chowan but commonly called Society parish as for himself complaines against James Williamson in custody etc. of a plea that the Defendante Should render to the plaintiffe for the uses aforesaid the Sum of ten pounds which he the Defendante owes and unjustly detaines for that he the Defendante within the County of Albemarle near Moratuck River within the parish aforesaid on or about the fifteenth day of December last in the Woods a certaine Steer or One neat kind of Cattle did kill but did not bring in the hide of the Said Beast with the ears on and Shew or cause the same to be shewed to two Sufficient freeholders of the Neighbourhood as the Law requires by all which the Defendante according to the Acts and Laws in Such case made and provided hath forfeited the Sum of Ten pounds one halfe to the poor of the said parish and the other halfe to the plaintiffe who Sues for the Same to this Court which Sum he the defendante Unjustly denys and refuses to pay tho' often required ad Damnum etc. ten pounds and thereupon the plaintiffe brings this Suite etc.

Wm. Little for the plaintiffe

And the Said Defendante (being Solemnly called) came not Nor did the Marshall make returne of Bond or Security Taken as by Law he ought <338> to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall; It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs. <*Order* v. *Marshall.*>

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court on the last Tuesday in July next; Which was granted.

Moseley v. Elton Debt return'd Satisfaction made. Discontinued per plaintiffe.

<*Farlow* v. *Newby. Case. Narratio.*> Francis Newby late of perquimons precinct Labourer was attached to answer James Farlow of Chowan precinct planter of a plea of Tresspass on the Case etc. And whereupon the Said James by Thomas Swann his Attorney complaines that whereas the aforesaid James the first day of May One thousand Seven hundred and twenty one did intend to Sue and implead the aforesaid Francis for killing one Young horse properly belonging to the Said James the aforesaid Francis in Consideration whereof and for as much as the aforesaid James would forbear all and all manner of prosecutions at Law against the aforesaid Francis for killing the Horse aforesaid he the said Francis then and there (Videlicet) at Chowan precinct the fourth day of May one thousand Seven hundred and twenty one on himself did assume and to the aforesaid James then and there faithfully promised that he the said Francis would well and truly pay and deliver to the said James four Barrells of pitch at the Sypruss Landing on perquimons River by the last of October then next following and also would catch and take up and bring home to the Said James's now dwelling plantation in Chowan one Other Young horse belonging to the Said James then running at large in the Woods at perquimons and deliver the Same horse to the said James in a rope by the first day of June then next following. And the said James in fact Saith that trusting to the many fair promises and assumptions in form aforesaid made by the said Francis, he the Said James hath forborne all and all manner of prosecutions and Suites in law for the killing the horse aforesaid; Yet the aforesaid Francis little regarding his promise and assumptions aforesaid but plotting and fraudulently intending the aforesaid James in that behalfe craftily to deceive and defraud the aforesaid four barrells of pitch or any parcell thereof hath not paid and deliver'd according to his promise and assumption aforesaid Nor the said Young horse hath not taken up and deliver'd to the said James nor in any manner for the same hitherto given Content altho' he the said Francis by the said James hath been thereunto often requested Whereupon the said James Saith that he is damnifyed and damage hath to the Value of ten pounds and thereupon he brings this Suite etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly called) came not And the Marshall having made returne that he left a Copy of the Writt and Declaration at the house of the said Defendante as directed by an Act of Assembly in that Case made etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the Goods and Chattells of the Said Francis Newby thereby to compell him to appear and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in July next.

Allen v. Alden Case. Return'd Executed etc. Discontinued by the Defendante's death.

<*Betterley* v. *Hazard. Debt. Narratio.*> Thomas Betterley by Thomas Henman his Attorney comes to prosecute his Suite against Roger Hazard in custody etc.

of a plea that he the said Defendante render unto him the said plaintiffe the Sum of thirty Seven pounds province Bills which he the said Defendante owes and unjustly detains from him the said plaintiffe (to witt) the eighteenth day of June One thousand Seven hundred and twenty two at the precinct of Chowan the Same being due by Bill or writing promissary under <339> the Defendante's hand Dated the same day and year payable unto the plaintiffe and here in Court produced etc.

<*Defendante's Appearance and plea. Oyer.*> And the said Defendante by William Little his Attorney appear'd and prayed Oyer of the Obligation aforesaid till the next Court on the last Tuesday in July next and he hath it; the Same day is also given to the plaintiffe.

<*Rule to plead.*> Whereupon It is made a Rule of this Court that the said Defendante Shall appear at the next Court and plead an Issuable plea.

<*Betterley* v. *Hazard. Debt. Narratio.*> Thomas Betterley by Thomas Henman his Attorney comes to prosecute his Suite against Roger Hazard in custody etc. of a plea that he the Said Defendante render unto him the said plaintiffe the Sum of twenty pounds province Bills which he the Said Defendante owes and unjustly detains from him the Said plaintiffe to witt the eighteenth day of June One thousand Seven hundred and twenty two at the precinct of Chowan the Same being due by Bill or writing promissary under the Defendantes hand dated the Same day and year payable to the plaintiffe and here in Court produced etc.

<*Defendante's appearance and plea. Oyer.*> And the Said Defendante by William Little his Attorney appear'd and prayed Oyer of the Bill aforesaid till the next Court on the last Tuesday in July next and he hath it; the Same day is also given to the plaintiffe.

<*Rule to plead.*> Whereupon It is made a Rule of this Court that the said Defendante Shall appear at the next Court and plead an Issuable plea.

Hazard v. Alden Case. Returned Executed etc. Discontinued by the Defendantes death.

Alden v. Hazard Debt. Return'd Executed etc. Discontinued by the plaintiffes death.

Comrey v. Alden Case. Return'd Executed etc. Discontinued by the Defendante's Death.

<*Maule* v. *Sheamer. Case. Narratio.*> William Maule Esq. comes by Thomas Henman his Attorney to prosecute his Suite against Daniel Sheamer in custody etc. of a plea of Tresspass on the Case for that to witt that whereas the Said Defendante the thirty first day of August in the year of Our Lord One thousand Seven hundred and twenty two at the precinct of Chowan in the County of Albemarle did wickedly evilly and malitiously with an intent to injure hurt and damnifie the plaintiffe advise Seduce and persuade one John Cockindall an Indented Servant of and to the plaintiffe (he the Said Defendante very well knowing the said Cockindall to be the plaintiffe's proper Indented Servant) to run away from him the Said plaintiffe and absent from his Service and he the said Defendante by his delusions and fair Speeches to the Said Cockindall did then and there prevaile with him to run away from the plaintiffe and afterwards (to witt) the Same day year and place did receive harbour and entertaine the Said Cockindall the Space of ten days and afterwards did out of his farther malice and ill intent towards the

plaintiffe assist carry and convey the said Cockindall over Chowan River and otherwise assist and direct him the Said Cockindall out of this province that he might Safely escape from the plaintiffe and his Service; By reason of which Said Seducing entertaining concealing conveying and assisting of the plaintiffe's Said Runaway Servant by the Said Defendante the Said plaintiffe Saith he is damnyfied and damage hath Sustained to the value of three hundred pounds and therefore he brings this Suite etc. <*Defendante's appearance and plea.*> And the Said Defendante by Thomas Boyd his Attorney comes and defends and Injury when etc. and for plea Saith he is Not Guilty and for tryall thereof putts himself upon the Country; And in like manner the plaintiffe. <*Issue.*>

<*Venire.*> Whereupon the Marshall was Commanded that he Should cause to come twelve etc. by whom etc. who to neither etc. and there came Videlicet Thomas Luton Junior Edward Howcott Edward More William Comrey William Yates John Rasberry Abraham Hill Jonathan Kitterill William Lysles Thomas Hoskins Richard Parker and William Sadler who between the partys aforesaid being impannelled and <340> Sworne do Say upon their Oath <*Verdict.*> Wee of the Jury find for the plaintiffe thirty pounds damage and Costs of Suite.

<*Judgment.*> Wherefore It is Consider'd and Order'd that the Said plaintiffe do recover and have of the Said Defendante the Sum of thirty pounds and Costs alias Execution.

<*Boon etc. petition.*> On the petition of James Boone Elizabeth Dunn and Mary Gilberts praying to be allow'd for their Attendance etc. as Evidence in the said Suite

Order'd that the Defendante pay them for five days attendance twelve shillings and Six pence each and for going and Coming to Court each five shillings alias Execution.

<*Ansley* v. *Jones Administrator. Case. Narratio.*> John Ansley by Thomas Henman his Attorney comes to prosecute his Suite against Griffeth Jones Administrator of all and Singular the Goods and Chattells rights and Credits which were of William Ross deceased at the time of his death who as it is Said dyed intestate in custody etc. of a plea of Tresspass on the Case for that (to witt) that whereas the said William Ross in his life time to witt the thirtieth day of May in the year of Our Lord One thousand Seven hundred and twenty two at the precinct of Chowan Stood justly indebted to him the Said plaintiffe the full quantity of twenty Barrells of Tarr good and merchantable for So much Tarr by him the Said William Ross before that time (to witt) the tenth day of May in the year aforesaid at the place aforesaid borrowed and had from him the Said plaintiffe In Consideration whereof the Said William Ross the Said tenth day of May in the year aforesaid at the place aforesaid assumed upon himself and to the said plaintiffe then and there faithfully promised that he the Said William Ross the Said twenty barrells of Tarr when required to him the Said plaintiffe well and faithfully would pay; And also the Said Wm. Ross in his Life time (to witt) the day year and place aforesaid Stood Justly indebted to him the Said plaintiffe twenty pounds by Account here in Court produced which the Said William Ross in his life time also promised to pay to the plaintiffe. Nevertheless the Said Wm. Ross in his life time not regarding his Said promises but intending to defraud the plaintiffe in this behalfe did not pay the Same or any part thereof nor hath the Defendante Since

the Death of the Said Wm. Ross payd the Same altho' the said William Ross in his life time was and the Defendante Since the death of the Said Wm. Ross hath been often by the plaintiffe required to pay the Same to the plaintiffe's damage twenty pounds and therefore he brings this Suite etc.

And the Said Defendante (being Solemnly called) came not, nor did the Marshall make returne of Bond or Security taken for the Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choice of an Order against the Marshall; <*Order* v. *Marshall*> It is therefore Order'd that the provost Marshall of the County of Albemarle have the Body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe, Otherwise Judgement to be Confirmed against the Said provost Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to Appear etc. at the next Court on the last Tuesday in July next Which was granted.

<341> <*Sanderson* v. *Armstrong. Account render. Narratio.*> Richard Sanderson Esqr. complaines against John Armstrong in custody of the Marshall etc. by Edwd. Moseley his Attorney of a plea that he the Said Defendante render unto him the Said plaintiffe his reasonable account of the time he the Said John was the Bailiff or Receiver of the Money goods and merchandizes of the plaintiffe and the money goods and merchandizes of him the said plaintiffe he the said John having been the receiver or Bailiff of the plaintiffes money goods and merchandizes to witt from the fourth day of July One thousand Seven hundred and twenty two untill the first day of february following and in and by the Same time had and received of the money goods and merchandizes of him the Said plaintiffe from his the said plaintiffe's own hands divers goods wares and merchandizes Videlicet twenty five barrels of porke three barrels of pitch thirty four barrels of Tarr a barrel Tallow a barrel of porke fatt two barrels and a Chest of Bacon One hundred and ninety bushels Corne Nineteen bushels pease twenty Seven hoggs twenty four Geese and two large Cakes of Tallow (as by a Bill of Lading here in Court produced it doth and may more fully and at large appear) to Sell merchandize and make profitt of for him the Said plaintiffe and to render a reasonable Account to the said plaintiffe of the time Issues proffitts money goods and merchandizes aforesaid when he Should be thereunto reasonably requested. Nevertheless the said John Armstrong hath not render'd his reasonable Account aforesaid to the said plaintiffe altho' often thereunto required but the Same to him to render hath hitherto denyed and Still doth deny which is to the plaintiffe's damage two hundred and fifty pounds and therefore he brings this Suite etc.

<*Defendante's Appearance and plea.*> And the Said Defendante by Thomas Boyd his Attorney comes and defends the force and injury when etc. And Saith that he always was and yet is ready to render an Account to the Said Richard of the Said goods and merchandizes above required and prayeth to be admitted to make an Account thereof etc.

<*Auditors Appoynted.*> Therefore It is Consider'd that the aforesaid Defendante may and doe Account with the Said plaintiffe etc. And hereupon John Ansley and Jarvis Ballard in the presence of the said Defendante are appoynted Auditors by the Court hear to Auditt the Accounts and to make report thereof to the Court immediately; Who upon their returne found the Ballance due from the Said John Armstrong to the said Richard Sanderson to be ten pounds nineteen shillings and two pence Barbadoes money or twenty Seven pounds Eleven shillings and Eight pence Current money of this Government. <*Returne of Auditt.*> To which Auditt return'd the Defendante making no Objection or reply; <*Judgement*> It is thereupon Consider'd that the Aforesaid Richard Sanderson do recover and have of the aforesaid John Armstrong the said Sum of Ten pounds nineteen shillings and two pence Barbadoes money or on failure thereof twenty Seven pounds eleven Shillings and Eight pence Current money of No. Carolina alias Execution.

<*Sanderson Administrator* v. *Johnston. Debt. Narratio.*> Richard Sanderson Esqr. Administrator of all and Singular the goods and chattells rights and creditts of John Ormondy deceased Assignee of patrick Callihan by Edward Moseley comes to prosecute his Suite against John Johnston (having Lettre's of Administration granted according to Law and here in Court produced) in custody of the Marshall etc. of a plea that the Defendante should render unto him the Sum of five pounds one Shilling and eight pence Sterling money of great Brittaine which from him he unjustly detaineth for that to witt that whereas the Said John on the eighteenth day of Aprill One thousand Seven hundred and twenty at the precinct of Chowan by his certain Bill or writing Obligatory dated the same day and year and here in Court produced did oblige himselfe to pay to the said patrick Callihan the said Sum of five pounds one shilling and eight pence Sterling by the twelfth day of May next ensuing the date thereof which said Obligation by Assignment became due to the said John Ormondy in his life and is here in Court produced; Yet Nevertheless the said Defendante the said Sum of five pounds one shilling and eight pence Sterling by the said twelfth day of May to the said patrick did not pay nor to the said John <342> Ormondy Since the said Assignement in his life time nor to this plaintiffe at any time Since his decease but the same to pay hath hitherto denyed and Still doth deny which is to the plaintiffe's damage five pounds One Shilling and eight pence Sterling money of Great Brittain and therefore he brings this Suite etc.

And the Said Defendante (being Solemnly called) came not nor the Marshall make returne of Bond or Security taken for the Said Defendante's appearance as by Law he ought to have done. Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to com-

pell him to appear etc. at the next Court on the last Tuesday in July next Which was granted.

<*Sanderson* v. *Outlaw. Debt. Narratio.*> Richard Sanderson Esqr. by Edward Moseley his Attorney comes to prosecute his Suite against Edward Outlaw in custody etc. of a plea that he the said Defendante Should render to him the sum of Seventeen pounds and five Shillings Current money which to him he oweth and from him unjustly detaineth for that to witt that whereas the said Edward on the third day of August One thousand Seven hundred and twenty two at the precinct of Chowan by his certain Bill or Writing Obligatory Sign'd by the said Edward dated the same day and year and here in Court produced did promise and oblige himself to pay to the said Richard the said Sum of Seventeen pounds and five shillings Current money by the twenty fifth day of December next etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the Said Defendante's appearance as by Law he ought to have done, Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall; It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer the aforesaid plaintiffe Otherwise Judgement to be confirmed against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court on the last Tuesday in July next Which was granted.

<*Sanderson Administrator* v. *Hicks administrator. Narratio.*> Richard Sanderson Esq. Administrator of all and Singular the Goods and Chattells rights and Creditts of John Ormondy deceased by Lettres of Administration granted according to Law and here in Court produced complaines against Robert Hicks Administrator of all and Singular the Goods and Chattells rights and Credits of Robt. Calfe deceased in custody of the Marshall etc. of a plea that the Defendante Should render to him the said plaintiffe the full and whole quantity of fourteen barrells of pitch which from him he unjustly detaineth for that to witt that whereas the said Robert Calfe in his life time Videlicet on the fifteenth day of february One thousand Seven hundred and Seventeen at the precinct of Chowan by his Bill or Writing promissary dated the same day and year and here in Court produced did promise and oblige himselfe to pay to the Said John Ormondy or Order the full and whole quantity of fourteen barrells of pitch on the first day of March then next ensuing etc.

<*Defendante's Appearance.*> And the said Defendante (being Solemnly called) in his own proper person came; And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in July next. <*Respite.*>

<343> <*Sanderson Administrator* v. *Yates. Debt. Narratio.*> Richard Sanderson Esqr. Administrator of all and Singular the goods and Chattells rights and Creditts of John Ormondy deceased by Lettres of Administration granted accord-

ing to Law and here in Court produced by Edward Moseley his Attorney comes to prosecute his Suite against William Yates in custody etc. of a plea that the Defendante should render to him the Sum of ten pounds Sterling money which from him he unjustly detaineth for that to witt that whereas the Said William on the eighth day of August One thousand Seven hundred and twenty at the precinct of Chowan by his certain Bill or writing Obligatory Signed by the said William (dated the Same day and year and here in Court produced) did oblige himself to pay to the said John Ormondy the said Sum of ten pounds Sterling upon demand etc.

<*Defendante's appearance.*> And the said Defendante (being Solemnly called) in his own proper person came; And hereupon by the Consent of both partys the Said Cause is putt in respite untill the next Court on the last Tuesday in July next. <*Respite.*>

<*Comrie* v. *Cockburne. Case. Narratio.*> Adam Cockburne of Edenton Esqr. was attached to answer unto the Suite of William Comrie of the Same place in a plea of Trespass on the Case etc. and thereupon the said William Comrie by William Little his Attorney complaines that whereas the said plaintiffe on the twenty third day of December One thousand Seven hundred and twenty two at the precinct of Chowan at the Speciall instance and request of the aforesaid Defendante was employed to administer Medicines and physick and to attend one William Alden as a Doctor for Severall days and weeks now past, In Consideration whereof the said Defendante then and there did assume upon himself and faithfully promised that he would well and truly content and pay all Such Sum and Sums of money for the Said Medicines physick and attendance when thereunto required as the aforesaid plaintiffe Should reasonably deserve; And the plaintiffe in fact Saith he reasonably deserves for his medicines physick and Attendance fifteen pounds ten shillings as by an Account of particulars here in Court produced it doth and may more fully and at large appear. Nevertheless the said Defendante his Severall promises and assumptions not regarding the sum of fifteen pounds ten shillings to the aforesaid plaintiffe hath not Satisfied and paid altho' often thereunto required but the Same to Satisfye and pay hath hitherto denyed and still doth deny to the damage of the said plaintiffe fifteen pounds ten shillings and therefore he brings this Suite etc.

<*Summons to issue.*> And the said Defendante (being Solemnly called) came not; Whereupon It is Order'd that a Summons do issue to require the defendante to appear at the next Court on the last Tuesday in July next to answer the aforesaid plaintiffe.

<*Swann* v. *Johnson. Debt. Narratio.*> Thomas Swann of the precinct of Curatuck is plaintiffe and William Johnson of the same precinct is defendante in a plea of Debt etc. And the said plaintiffe in his own proper demands of the said Defendante that he do render unto him the Sum of three pounds Current money which to the plaintiffe he oweth and from him unjustly detaineth for that Whereas the said Defendante on the fourteenth day of October One thousand Seven hundred and nineteen by his certain Bill Signed by the said Defendante whose Date is the same day and Year aforesaid which Bill is filed in the Office of this Court became indebted to the Said plaintiffe in the Said Sum of Three pounds to

be paid to the said plaintiffe when he the Said Defendante Should be thereunto requested etc.

And the Said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken as by Law he ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making <344> Choyce of an Order against the Marshall.

<*Order* v. *Marshall.*> It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs;

<*Attachment*> Whereupon the Marshall pray'd an Attachment against the Estate of the said Defendante for the aforesaid Debt and Costs So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next Which was granted.

<*Swann* v. *Whidbee. Debt. Narratio.*> Thomas Swann of the precinct of Curratuck is plaintiffe and John Whidbee of the Same precinct is Defendante in a plea of Debt etc. And the said plaintiffe in his proper person demands of the said Defendante that he do render unto him the Sum of five pounds ten shillings Sterling money which to the plaintiffe he oweth and from him unjustly detaineth for that Whereas the said Defendante on the seventh day of Aprill One thousand Seven hundred and twenty two by his certain Bill Sign'd, by the said Defendante whose date is the Same day and year aforesaid which Bill is filed in the Office of this Court became indebted to the Said plaintiffe in the said Sum of five pounds ten Shillings to be paid to the said plaintiffe when he the said Defendante should be thereunto requested etc.

And the said Defendante (being Solemnly called came not) nor did the Marshall make returne of Bond or Security taken for the Said Defendante's appearance as by Law he Ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making Choice of an Order against the Marshall; <*Order* v. *Marshall*> It is therefore Order'd that the provost Marshall of the County of Albemarle have the Body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgement to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the estate of the said Defendante for the aforesaid Debt and Costs So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next; Which was granted.

Calfe v. Williamson Debt return'd non est inventus discontinued by the plaintiffe's death.

<*Bell* v. *Morgan. Debt. Narratio.*> George Bell of pasquotank precinct planter is plaintiffe and phillip Morgan of the same precinct yeoman is Defendant in a plea of debt, And the said plaintiffe by Thos. Swann his Attorney demands of the

Defendante that he do render unto him the sum of twenty pounds Current money of North Carolina which to the plaintiffe he oweth and from him unjustly detaineth for that whereas the said Defendante the twenty ninth day of December One thousand Seven hundred and twenty two by a certain writing Obligatory under the hand of the said Defendante whose date is the same day and year and which the plaintiffe brings here into Court became indebted to the said plaintiffe in the aforesaid Sum of twenty pounds Current money to be paid to the said plaintiffe when he the Said Defendante Should be thereunto required etc.

And the said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall; It is <345> Therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe <*Order* v. *Marshall*> Otherwise Judgement to be Confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Generall Court on the last Tuesday in July next; Which was granted.

Billett v. Norris Case. Return'd agreed.

<*Harding* v. *Ellsey. Debt.*> Stephen Elsey of Bath County in the said province Marriner otherwise called Stephen Elsey of Bath County Marriner was Summoned to answer Thomas Harding of the province and County aforesaid Ship Carpenter of a plea that he render to him the sum of One hundred and Sixty pounds Current money which to him he owes and unjustly detaineth.

<*Narratio.*> And whereupon the same Thomas Boyd his Attorney Saith that Whereas the aforesaid Stephen the eighth day of Aprill in the Year One thousand Seven hundred and twenty one by his certaine Writing obligatory did grant himself to be bound to the same Thomas in the aforesaid Sum of One hundred and Sixty pounds to the which payment well and truly to be made to the Same Thomas Harding his heires or Assignes the aforesaid Stephen did bind himself his heires Executors and Administrators by the Same Writing Notwithstanding the aforesaid Stephen the aforesaid One hundred and Sixty pounds to the same Thomas altho' often demanded he hath not as yet rendred it but the same hitherto hath denyed to pay and yet denyeth Whereupon he saith that he is damnified three hundred and Seventy pounds current money and thereof he brings this Suite etc. and he bringeth here into Court the Writing aforesaid Signed with the proper hand and Sealed with the Seale of the said Stephen which testifie the debt aforesaid in forme aforesaid the date whereof is the day and year above said etc.

And the said Defendante (being Solemnly called) came not nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till

the next Court or an Attachment against the Defendante's Estate; and the plaintiffe aforesaid making choyce of an Order against the Marshall;

<*Order* v. *Marshall*> It is therefore Order'd that the provost Marshall of the County of Albemarle have the body of the said Defendante at the next Generall Court to answer to the Suite of the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Estate of the Said Defendante So as to compell him to appear etc. at the next Court on the Last Tuesday in July next, which was granted.

Harrys v. Hancock Junior Debt; return'd Executed. Discontinued by the plaintiffe for want of Evidence.

And then the Court Adjourn'd By Order of the Cheif Justice and his Assistant.

C. Gale Ch. Justice
W. Badham Clerk

[*March 1723*]

[*CCR 103*]

<84> North Carolina Sc.

Att a Generall Court of Oyer and Terminer and Goal Delivery held at Edenton the twenty sixth day of March Anno Domini 1723 and Continued by severall adjournments till the 2d. day of Aprill following.

<*Burchwards* v. *Sale. Attachment.*> The Attachment against John Sale to compell him to appear etc. at this Court (if to be found if not then against the Goods and Chattells of the said John Sale being returned Executed in the hands of Thomas Mathews and the said John Sale (being Solemnly required) came not <*Mathews Sumon'd*> the said Thomas Mathews being also Summoned made his appearance and acknowledg'd that he hath moneys in his hands belonging to the said John Sale but that an Attachment hath been already levyed for part of it. <*Order for Mathews to Account.*> Wherefore It is Consider'd and Order'd that the said Thomas Mathews do prepare his Account and Vouchers and Settle the Same before the Honorable the Cheif Justice So that report may be thereof made to the next Generall Court on the last Tuesday in July next on the third day of the said Court till which time the said Attachment is continued.

The Above Entry was by mistake in page (87) omitted till proceedings of that Court were Sign'd by the Cheif Justice.

Testis W. Badham Clerk

<85> North Carolina Sc.

Att a Generall Court of Oyer and Terminer and Goal Delivery held at Edenton the twenty Sixth day of March Anno Domini One thousand Seven hundred and twenty three and Continued by Severall Adjournments till the Second day of Aprill following. Present Christopher Gale Esqr. Cheif Justice, John Worley, Edmd. Gale Esqrs., Adam Cockburne, Henry Clayton Esqrs. Assistants.

<*Grand Jury. Charg'd.*> The following persons were impannell'd and Sworne of the Grand Jury Videlicet Major Thomas Luton, Joshua Turner Esqr., Joseph Spruill, John Swain, George Allen, Francis pugh, Henry Speller, Thomas Comander, William Hewett, John Powell, Cornelius Harnett, James Castellaw, Joseph Jessop, John Jordan, Samuell patchett Who being charg'd by the Cheif Justice with things proper for their Inquiry withdrew and consider'd the Severall matters given them in Charges and on their returne having nothing to present they were discharg'd from farther attendance at this Court. <*Discharg'd.*>

<*Dominus Rex* v. *Pritlow. Discharg'd.*> A Bill of Indictment having been presented to the Grand Jury aforesaid against Rebecca pritlow upon Suspicion of having concealed the birth of a Bastard Child and being return'd to the Court here Ignoramus She is thereupon discharg'd by proclamation and may goe hence without day paying fees.

<*Stones's appearance. Discharg'd.*> Joshua Stones being bound by Recognizance to appear at this Court etc. accordingly made his appearance and was dismist without day paying fees.

<*Savage's appearance. Discharg'd.*> Hill Savage being bound by Recognizance to appear at this Court etc. accordingly made his appearance and was dismist without day paying fees.

<*Lovick* v. *pollock. Information.*> Thomas pollock Cullen pollock Esqrs. and George pollock Gentleman being Summon'd to appear and answer an Information filed against them by John Lovick Esqr. and failing to appear Order'd that an Attachment do Issue.

<86> <*Jones's Executors appearance. Money deliver'd.*> And now here at this day Videlicet etc. Came the Executors of Collonel Frederick Jones deceased late Cheif Justice who by Edward Moseley their Attorney appear'd and Deliver'd to the Honorable Christopher Gale Esqr. Cheif Justice two hundred and ninety pounds being the money lodg'd in the hands of the Said Jones by Robert Atkins and Daniel Macdaniel for the Security of the Recognizance by them forfeited.

<*Cockrill's Recognizance. Scire facias to issue.*> Edward Cockrill being bound by Recognizance to appear at this Court etc. and therein failing Order'd that a Scire facias do issue to cause him to appear at the next Generall Court and shew cause why his Recognizance Should not be Estreated.

<*Mathews Recognizance. Appearance.*> Thomas Mathews being bound by Recognizance to have the body of the said Edward Cockrill here, appeared, but failing to produce the Body Day is given him till the next Generall Court to produce him.

<*Favors appearance. Discharged.*> Ann Favor being bound by Recognizance to appear att this Court etc. accordingly made her appearance And is dismist without day paying fees.

<*Moseley etc. Petition.*> Upon reading the petition of Edward Moseley Gentleman and Others etc. in haec verba Videlicet

North Carolina Sc.

To the Honorable Christopher Gale Esqr. Cheif Justice and to the rest of the Members of the Honorable the Generall Court.

The petition of Edward Moseley Gentleman Jeremiah Vaile and other the Inhabitants of Yaupim Neck in Chowan precinct

Humbly Sheweth That in the Year One thousand Seven hundred and Seventeen by the Order of the precinct Court of Chowan a Main Road was laid out from Doctor Urmston's Plantation down the Neck that leadeth to the mouth of Yaupim River and that the Inhabitants within that District have with great Labour and Expence cleared and kept the said Road as the Law requires, which is of very great use for the Inhabitants dwelling along the sound side and at the mouth of Yaupim River for without Such Road leading from or near the mouth of Yaupim River to the main Road at Doctor Urmston's the Said Inhabitants can have no lawfull Road to come to the Court held for the precinct, or to the church, or Generall Court held at Edenton.

Yet So it is May it please your Honors that Some very few persons Videlicet John Blount Esqr. James Beasley William Benbury and Henry Haughton having preferr'd a petition to the precinct Court held in July last for altering and changing the said Maine Road and making a New One (which can only be for the private use of those petitioners and to the great damage of the persons thro' whose Lands Such New Road is to pass as well as to the great damage of the persons having benefitt and Interest in the Old Road) Have Surreptitiously and Ex parte Obtained an Order of the said precinct Court for altering the Old road and laying out a new one without the privity knowledge or consent of the Owners of the Lands <87> thro' which Such Road is to be made and without the knowledge or consent of farr the major part of the Inhabitants that are belonging to the old Road Copy of which petition and Order your petitioners produce here in Court. All which proceedings of the aforesaid John Blount Esqr. and the Order of the precinct Court aforesaid being contrary to Law.

Your petitioners therefore humbly pray that this Court will be pleased to grant an Order that the Order of the precinct Court may not be putt in Execution untill your petitioners are heard in this Honorable Court where they hope to make appear that the proceedings of the said John Blount Esqr. etc. and the order of the precinct Court grounded thereon are contrary to Law, And the Said John Blount Esqr. etc. may have a time appoynted by this Honorable Court to attend and answer the premises And further that the said Order of the said precinct Court passed So irregularly and Contrary to Law may be reversed Sett aside and declared null and voyd.

And your petitioners as in duty bound Shall ever pray etc.

[*Signed:*] E. Moseley, Jere. Vaile, peter Jessey <*mark*>, Joseph Oates, William Harrison <*mark*>, Thomas Horton <*marke*>, William Harrison, John Harrison, [*illegible*] Harrison <*mark*>, Thomas Peirce Junior, William Smith, John Ames <*his mark*>, John Bennett <*his marke*>.

<*Precinct Court's Order reversed.*> And the Orders of the precinct Court therein mentioned, and upon a full hearing thereon and the arguments on both sides being duly consider'd It is adjudged by the Court here that the said Order of the precinct Court of Chowan July One thousand Seven hundred and twenty two relating to the roads in the said petition mentioned be reversed, and Sett aside, and all proceedings on the said Road declared null and voyd.

<*Complaint* v. *Luke White.*> A Complaint against Luke White for cohabiting with one Elizabeth Avery and abusing his Wife etc. being read is referr'd to the precinct Court of Chowan.

<*Order* v. *Sale.*> For further proceedings at this Court See page (85) an Attachment v. John Sales Estate in the hands of Thomas Mathews.

And then the Court adjourn'd By Order of the Cheif Justice and his Assistants.
W. Badham Clerk C. Gale Ch. Justice

[*July 1723*]

[*CCR 106*]

<346> North Carolina Ss.

Att a Generall Court held for the Said province at Edenton on Queen Annes Creek begun on Tuesday the thirtieth day of July One thousand Seven hundred and twenty three and continued by Severall Adjournments till Tuesday the Sixth day of August following. Present Christopher Gale, Esq. Cheif Justice and John Worley, Edmund Gale, Adam Cockburne, Henry Clayton, John Solley Esqs. Assistants.

<*Powell's Breve de partition vide page 308 Sect. 2d.*> And now here at this day (Videlicet etc.) came the parties aforesaid and the Surveyor Generall having faild to make returne of the Writt aforesaid either by himself or Deputy. It is Therefore Order'd at the Motion of the partys aforesaid that the Said Writt do continue till the next Court. <*Continued.*>

<*Rountree* v. *Eundem vide page 308 Section the 3d.*> And now here at this day (Videlicet etc.) came the aforesaid Francis Rountree by Edward Moseley his Attorney to answer the Complaint of the aforesaid Thomas Rountree And upon hearing the Arguments on both Sides It is Order'd that the said petition be dismist with Costs. <*Dismist.*>

<*Chapman* v. *Humphrys. Vide page 309 Sect. 3d.*> And now here at this day (Videlicet etc.) Came the aforesaid Mary Chapman by her Attorney aforesaid and prayed Discontinuance of her Suite against the said Robert Humphry.

<*Discontinued.*> Wherefore It is Consider'd that the said Robert Humphrys may goe without day and that the said Mary be in mercy and that she pay Costs alias Execution.

<*Chapman* v. *Dunn vide page 309. Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid Mary by her Attorney aforesaid and prayed Discontinuance of her Suite aforesaid.

<*Discontinued.*> Wherefore It is Consider'd that the said Charles Dunn may go without day and that the Said Mary be in mercy and that she pay Costs alias Execution.

<*Clayton* v. *Bozeman. Vide page 309 Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid Henry Clayton to prosecute his Said Suite against the said Saml. Bozeman. And the said Defendante (being Solemnly called) came not Whereupon the Said plaintiffe prayed continuance of the Attachment granted against his Estate Which was granted returnable to the next Court on the last Tuesday in October next. <*Continued.*>

<*Evans* v. *pritchard vide page 310 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid Evans and the aforesaid pritchard by their Attorneys

aforesaid and hereupon by the Consent of both parties the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Continued.*>

<*Harrys* v. *Comander vide page 310 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Harrys in his own proper person and prayed discontinuance of his Action aforesaid against the said Thomas Comander;

<*Discontinued*> Wherefore It is Consider'd and Order'd that the said Thomas Comander may go hence without day and that the Said Thos. Harrys be in Mercy and that he pay Costs alias Execution.

<*Harrys* v. *Comander. Submission of Arbitration.*> Whereas Divers Controversies and disputes have arisen and are like to arise between Thomas Harrys of Bath County planter and Thomas Comander of pasquotank precinct in the County of Albemarle planter which Cannot be determined but by personall Action at Law or Suite of Equity for prevention of which Be it Remembered that the aforesaid Thomas Harrys and Thomas Comander came before this Court and obliged themselves each to the other to Stand to and abide by the Arbitrament Award and finall Determination of Edmd. Gale Thos. Harvey Esqs. and Mr. Robert Lowry Arbitrators indifferently chosen as well on the part of the said Harrys as on the part and behalfe of the said Comander; And the partys aforesaid Do further Consent and agree that it shall be made a Rule of this Court that the said Arbitration So made shall be finall and that Judgement Shall <347> be entred thereon for what shall be given in damages.

Provided only that such Arbitration Award in writing shall be return'd to the Generall Court Office of this province on or before the last day of the next Court to be held at Edenton on the last Tuesday in October next under the hands and Seales of the said Arbitrators.

Be it therefore made a rule of this Court that the said Arbitration shall be finall and that Judgement shall be entred thereon for what shall be given in damages etc.

<*Badham* v. *Conden. Vide page 310 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid Badham in his own proper person and the said John Conden by Thomas Swann his Attorney; and hereupon by the Consent of both parties the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Continued.*>

<*Hastings* v. *West vide page 310. Sect. 5.*> And now here at this day (Videlicet etc.) came the aforesaid Theophilus Hastings and Charles West by their Attorneys aforesaid; And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Continued.*>

<*Hill* v. *Eason vide page 310. Sect. 6.*> And now here at this day (Videlicet etc.) Came the aforesaid Abraham Hill and prayed discontinuance of his Action aforesaid, Wherefore It is Consider'd that the said Mary Eason may goe hence without day and that the said Abraham may be from hence in Mercy and that he pay Costs alias Execution. <*Discontinued.*>

<*Palmer* v. *Cary vide page 312. Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid Robert Palmer by his Attorney aforesaid to prosecute his Said Suite against John Cary as aforesaid.

<*Continued for proof.*> And the said Defendante (being Solemnly called) came not; Whereupon the plaintiffe prayed day till the next Court to produce proof of his Debt according to the directions of an Act of Assembly in that Case made and provided; Which was granted the same day is also Given to the Defendante.

<*Nairne Assignee* v. *West. Vide page 312 Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid John Nairne by his Attorney aforesaid to prosecute his Said Suite against the said Thomas West; and the said Defendante (being Solemnly Called) Came not; Whereupon the plaintiffe proceeded by his Corporall Oath to prove the Debt due from the said Defendante according to the form of an Act of Assembly in that case made. And for default of the Said Defendante's Appearance It is Consider'd by this Court that the said plaintiffe recover and have of the Defendante the Sum of fifteen pounds Current money with Costs alias Execution. <*Debt proved. Judgment by Default.*>

<*Nairn* v. *Molton vide page 312 Sect. 6.*> And now here at this day (Videlicet etc.) Came the aforesaid John Nairn by his Attorney aforesaid and prayed Continuance of his Said Action against the said John Molton till the next Court on the last Tuesday in October next Which is Granted; the Same day is also given to the Defendant. <*Continued.*>

<*Willson* v. *Bernard. Vide page 313 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid William Willson by his Attorney aforesaid and prayed Discontinuance of his Action aforesaid.

<*Discontinued.*> Wherefore It is Consider'd that the said Samuel Bernard may go from hence without day and that the Said William may be from hence in mercy and that he pay Costs alias Execution.

<*Kirby* v. *Jessop. Vide 314 Sect. 6.*> And now here at this day (Videlicet etc.) Came the aforesaid Kirby by his Attorney aforesaid And the Said Defendante by his Attorney comes and defend's the force and Injury when etc. and pleads the General Issue Not Guilty and for tryall thereof putts himself upon the Country: And the plaintiffe in like manner. <*Plea. Issue Joyn'd.*>

<*Venire. Oath. Verdict.*> Whereupon the Marshall was commanded that he should cause to come etc. twelve etc. who to etc. by whom etc. and there came Videlicet Jeremiah Vaile John Rasberry John Blackman James Williamson William Steward Treddle Keef William More Francis Branch Thomas Luton Junior John Howcott Edward More and Jonathan Taylor who being impannelled and Sworne Say upon their Oath Wee of the Jury find for the plaintiffe the Negro Complained for (if to be found) if not Seventy five pounds Current money.

<348> <*Judgement.*> Therefore It is Consider'd by this Court that the said plaintiffe recover and have of the Said Defendante the Negro Complain'd for (if to be found) if not, the Sum of Seventy five pounds Current money with Costs alias Execution.

<*Motion in arrestment.*> Whereupon the plaintiffe by Thomas Swann his Attorney moved to the Court that the said proceedings and Judgement thereon being Erroneous he might have day Assign'd to be heard thereon according to an Act of Assembly in that Case made.

<*Granted.*> It is Therefore Order'd that the third day of the next Generall Court be assign'd for hearing and determining Such Errors And that Execution

be stayed accordingly; And It is farther Order'd that the said Jessop or his Attorney file Errors fifteen days before the first day of the next Court and that he Serve the said Kirby or Attorney with a Copy thereof.

<*Evidence petition.*> On the petition of Jonathan Evans John Bankes and James Williamson praying to be allow'd for their Attendance etc. in the said Suite; Order'd that the Defendante pay Jonathan Evans for four days Attendance and two days in Coming and Going thirteen shillings and four pence to John Bankes for three days Attendance and one day in coming and going nine shillings and two pence and to James Williamson for Eight days Attendance and six days coming to and going from this and the last Court thirty shillings with Costs alias Execution. <*Allow'd.*>

<*Pettiver* v. *Grey vide page 315 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid John pettiver in his own proper person to prosecute his Said Suite against the said Thomas Grey; And the said Defendante being Solemnly called came not; Whereupon the plaintiffe prayed day till the next Court to produce proof of his debt according to the direction of an Act of Assembly in that Case made and provided.

Which was granted the Same day is also given to the Defendante. <*Continued for proof.*>

<*Harrys* v. *Ilee vide page 319 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the said Thomas Harrys by his Attorney aforesaid to prosecute his Said Suite against the said Ilee and the said Defendante by his Attorney aforesaid appear'd And hereupon by the Consent of both parties the said Cause is putt in respite till the last Tuesday in October next being the next Generall Court; the Defendante agreeing to pay the Costs of the Said Continuance. <*Continuance by Consent.*>

<*Chew* v. *Hazard. Vide page 320 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid Larkin Chew by his Attorney aforesaid to prosecute his Said Suite against the said Roger Hazard.

<*Defendante's appearance.*> And the said Defendante Comes and Confesses etc. for One hundred and thirty six pounds eighteen shillings and Six pence Sterling money with Stay of Execution till the last day of the next Generall Court on the last Tuesday in October next and with further Stay of Execution unless the said plaintiffe shall appear at the Said October Court and produce a Bill of Exchange for ten pounds Sterling payable by the Said Hazard to Richard Roy and shall also at the Same time make Oath that he hath received no other Goods or moneys of the Defendante's but what he hath in his Sundry Accounts given Credit for; Wherefore It is Consider'd that the said plaintiffe recover and have of the Defendante the aforesaid Sum of One hundred and thirty Six pounds eighteen shillings and Six pence Sterling money and Costs with Stay of Execution as Express'd in the above Confession. <*Judgment Confess'd, with Stay of Execution.*>

<*Daniel* v. *Mamer. Vide page 320 Sect. 2:*> And now here at this day (Videlicet etc.) The aforesaid Joseph Daniel (being Solemnly required) came not neither prosecuted his Writt aforesaid Therefore It is Consider'd and Order'd that he the said Daniel may be from hence in mercy and the said Mayner may goe

without day and that the said Daniel pay Costs alias Execution. <*Discontinued per Curiam.*>

<*Jenkins* v. *Benton. Vide page 321 Sect. 1.*> And now here at this day [*torn*] (Videlicet etc.) Came the aforesaid Thomas Jenkins by Thomas Henman his Attorney to prosecute his Said Suite [*torn*] against the said Francis Benton; And the said Defendante (being Solemnly called) came not nor did the Security [*torn*] produce the body of the said Defendante as by Order of the last Court he was obliged to do; <*Judgment* v. *Security*> Therefore It is Consider'd that the Judgment obtained against Edwd. Outlaw Security for the Said Defendante at the last Court by the said plaintiffe be Confirm'd he having proved his Debt according to an Act of Assembly in that Case made and provided etc.

<*Security* v. *Benton. Judgment.*> It is also further Granted that the Said Edward Outlaw do recover and have of the said Francis Benton the aforesaid Sum of ten pounds Sterling as well as the Costs damages and Charges accruing by reason of the Said Judgment being confirm'd against him for the said Benton's non appearance.

Order'd that the said Francis Benton do pay to the said Edward Outlaw the sum of ten pounds Sterling with Costs alias Execution.

<*Speir* v. *Brasswell. Vide page 321 Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid John Speir and prayed Discontinuance of his Attachment aforesaid Wherefore It is Consider'd that the said Valentine Brasswell may go hence without day and that the said John may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued per plaintiffe.*>

<349> <*Hitaw* v. *Sale. Vide page 321 Sect. 6.*> And now here at this day (Videlicet etc.) Came the aforesaid John Hitaw to prosecute his Suite against John Sale by his Attorney aforesaid; And the Said Defendante being Solemnly called came not; Whereupon the plaintiffe proceeded to prove his debt by parity of hands. And for Default of the said Defendante's Appearance It is Consider'd by this Court that the plaintiffe do recover and have of the Defendante's Estate in the hands of Thomas Mathews the sum of Eleven pounds with Costs alias Execution. <*Debt proved. Judgment Confirm'd. Execution issued on the* [*blank*].>

<*Dowers* v. *Williamson. Vide page 322 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid William Dowers by his Attorney aforesaid to prosecute his Said Suite against the said James Williamson and the said Defendante (being Solemnly required) came and hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next, Against which time It is made a Rule of this Court that the said plaintiffe (being an Inhabitant of Virginia) shall take the following Oath before Some one of his Majestys of the peace there, Videlicet That in the action aforesaid by him brought against the said James Williamson for five pounds fifteen shillings due as aforesaid is no way included any Tooles which the said Williamson had or was to have of him the Said Dowers But that the said Sum of five pounds fifteen shillings was the ballance of Sundry Accounts exclusive of any Article of Tooles which Oath being So made and Certificate thereof produced at the next Court shall be allow'd for good and sufficient proof. <*Defendante's Appearance. Respite. Rule of Court.*>

<*Evidence petition allow'd.*> On the petition of Robert Hicks praying to be allow'd for his Attendance etc. in the said Suite Order'd that the Defendante pay him for Seven days Attendance Seventeen shillings and Six pence with Costs alias Execution.

<*Clayton Assignee* v. *Hobby. Vide page 322 Sect. 3.*> And now here at this day (Videlicet etc.) Came the aforesaid Henry Clayton Esq. to prosecute his Said Suite against the said Lawrence Hobby for the sum of four pounds Current money.

<*Defendante's appearance*>. And the said Defendante comes in his own proper person and Deffends the force and Injury when etc. and Saith nothing in Barr or Avoydance of the aforesaid Action of the said Henry by which the said Henry against the said Lawrence should remain undefended. <*Judgment confesst.*>

Therefore It is Consider'd that the aforesaid Henry Clayton do recover and have of the Said Lawrence Hobby the aforesaid Sum of four pounds Current money with Costs alias Execution.

<*Yelverton* v. *Ratcliff. Vide page 322 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid John Yelverton by Thomas Henman his Attorney to prosecute his Suite against the said Samuel Ratcliff.

<*Defendante's appearance and plea.*> And the said Defendante by Edw'd. Moseley his Attorney comes and defends the force and Injury when etc. and for plea Sayth that he did not assume upon himself nor faithfully promise to the plaintiffe to pay and deliver in manner and form as the said plaintiffe in his Writt and Declaration hath Sett forth and of this he putts himself upon the Country; And the plaintiffe in like manner. <*Issue joyn'd. Venire facias.*>

<*Jury's Oath and verdict.*> Whereupon the Marshall was Comanded to cause to come twelve etc. who to etc. by whom etc. and there came Jeremiah Vaile John Rasberry John Blackman James Williamson William Howard Nathaniel Hill Treddle Keef William More Martin Cromer Fra. Branch Thomas Luton Junior and John Howcott who being to Say the truth of the premises, Chosen tryed and Sworne Say upon their Oath We of the Jury find for the plaintiffe four pounds damage.

<*Judgment.*> Therefore It is Consider'd that the said John Yelverton recover and have of the said Defendante the Said Sum of four pounds with Costs alias Execution. <*Execution* v. *Estate issued 8 Febr. 1723. Satisfaction made. Testis W B Clericus Curiae Generalae.*>

<*Porter etc.* v. *Williams Executrix. Vide page 323 Sect. 3.*> And now here at this day (Videlicet etc.) Came the aforesaid Joshua porter etc. by Thomas Henman their Attorney and prayed discontinuance of his Action aforesaid against the said Mary Williams Executrix as aforesaid. <*Discontinued per plaintiffe.*>

Wherefore It is Consider'd that the said Mary may go from hence without day and that the said Joshua etc. May be in mercy and that they pay Costs alias Execution.

<*Hooker* v. *Wilkinson. Vide page 323 Sect. 4.*> And now here at this day (Videlicet etc.) the aforesaid William Hooker being Solemnly called came not neither prosecuted his Writt aforesaid.

<*Dismist.*> Therefore It is Consider'd and Order'd that he the said Hooker

may be from hence in mercy and that the said Wilkinson may go hence without day and that the said Hooker pay Costs alias Execution.

<*Peirce* v. *peacock and washington. Vide page 324 Sect. 2:* > And now here at this day (Videlicet etc.) Came the aforesaid Thomas peirce and prayed Discontinuance of his Action aforesaid. Wherefore It is Consider'd that the said Samuel peacock and Richard Washington may go hence without day and the said Thomas may be from hence in mercy and pay Costs alias Execution. <*Dismist.* > <350> <*Parris* v. *pridgeon. Vide page 324 Sect. 4.* > And now here at this day (Videlicet etc.) Came the aforesaid Thos. parris by his Attorney aforesaid to prosecute his Said Suite against Francis pridgeon for the Debt due as aforesaid; And the said Defendante being Solemnly called came not.

<*Cont. for proof.* > Whereupon the plaintiffe prayed day till the next Court to produce proof of his Debt according to the direction of an Act of Assembly in that Case made and provided Which is granted the same day is also given to the Defendante.

<*Dudley* v. *Blitchenden. Vide page 324 Sect. 5.* > And now here at this day (Videlicet etc.) Came the aforesaid Christopher Dudley by Thos. Boyd his Attorney aforesaid and prayed discontinuance of his Said Suite against the said Thoms. Blitchenden. <*Discontinued per plaintiffe.* >

Wherefore It is Consider'd that the said Thomas may go from hence without day and that the Said Christopher may be from hence in mercy and that he pay Costs alias Execution.

<*Dowers* v. *Minge. Vide page 325 Sect. 3.* > And now here at this day (Videlicet etc.) Came the aforesaid William Dowers and the said James Minge by their Attorneys And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Cont. by Consent.* >

<*Dowers* v. *Minge. Vide page 325 Sect. 4.* > And now here at this day (videlicet etc.) Came the aforesaid William Dowers and the said James Minge by their Attorneys And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Cont. by Consent.* >

<*Howett* v. *Wells. Vide page 326 Sect. 4.* > And now here at this day (Videlicet etc.) Came the aforesaid William Howett by his Attorney aforesaid to prosecute his Said Suite against the said William Wells and the said Defendante (being Solemnly called) Came not; Therefore It is Consider'd that the Judgment obtained the last Court by the said Howett against the provost Marshall of Bath County be Confirm'd the said plaintiffe having made his debt appear to be due according to the direction of the Act of Assembly in that Case made. <*Judgment* v. *Marshall Confirm'd.* >

<*Marshall* v. *Wells. Judgment Confirm'd.* > It is also further Granted that the said Marshall Do recover and have of the said Willm. Wells the said Sum of Sixteen pounds Six Shillings and eight pence Sterling money as well as the Costs damages and charges accruing by reason of the said Judgement being confirm'd against him for the said Wells's nonappearance; Order'd that the said William Wells do pay to the said provost Marshall of Bath County the sum of Sixteen pounds Six Shillings and eight pence Sterling money and Costs also the Sum of

four shillings and two pence fee by Law accrued for Judgement pass't against him with Costs alias Execution.

<*Sanderson Administrator* v. *Willison. Vide page 327 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid Richd. Sanderson to prosecute his Said Suite against the said John Willison for the aforesaid Sum of twelve pounds ten shillings Sterling and the said Defendante being Solemnly called came not; <*Judgment* v. *Marshall confirm'd*> Therefore It is Consider'd that the Judgment obtained the last Court by the said plaintiffe against the provost Marshall of Bath County be Confirm'd the Said plaintiffe having made his debt appear to be due according to the direction of an Act of Assembly in that Case made.

<*Marshall* v. *Willison. Judgment Confirm'd.*> It is also further Granted that the said Marshall Do recover and have of the said John Willison the said Sum of twelve pounds ten shillings as well as Costs and damages and the Charges accruing by reason of the said Judgment being confirm'd against him for the said Willison's non appearance; Order'd that the said John Willison do pay to the said provost Marshall of Bath County the Sum of twelve pounds ten shillings Sterling and Costs also the sum of four shillings and two pence fee by Law accrued for Judgment pass't against him with Costs alias Execution.

<*Porter etc.* v. *Billett. Vide page 327 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid parties by their Attorneys; And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Cont. by Consent.*>

<*Mountfort etc.* v. *Mayo. Vide page 328 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid plaintiffe's by their Attorney to prosecute their Suite against Edwd. Mayo Executor as aforesaid.

<*Defendante's Appearance and plea.*> And the said Defendante by Thomas Swann his Attorney comes and defends the force and Injury when etc. and Saith Action not etc. because he saith that the plaintiffe's Action aforesaid was not commenced and prosecuted within three Years next after the Supposed accruing thereof and this he is ready to verifie and demands Judgment if Action etc. <*Demurrer.*> And the said Plaintiffe's by their Said Attorney Say that they by any thing by the aforesaid Defendante pleaded from their Said Action ought not to <351> be barred because they Say that the money due that is mention'd in their Said Declaration is due to them as Merchant Traders which is not limited by any Act and they further Say that they were and are forreigners and Traders as Merchants to this Government Wherefore they Say the said plea is insufficient etc. and pray Judgment etc.

<*Demurrer Joyn'd and Overuled.*> Which Demurrer being Joyn'd by Thomas Swann the Defendante's and the Arguments thereon heard and Duly Considered by the Court here the said Demurrer was overruled.

<*Discontinued by the plaintiffe.*> Whereupon the plaintiffe's aforesaid by their Said Attorney prayed leave to discontinue their Said Action; Wherefore It is Consider'd that the said Edwd. Mayo may go from hence without day and the plaintiffe's aforesaid may be in mercy and that they pay Costs alias Execution.

<*Henman* v. *pritchard. Vide page 328 Sect. 3d.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Henman in his own proper person and prayed discontinuance of his Action aforesaid

<*Discontinued by the plaintiffe.*> Wherefore It is Consider'd that the said Mathew pritchard may go from hence without day and the said Thomas may be from hence in mercy and that he pay Costs alias Execution.

<*Badham Administrator* v. *Keefe. Vide page 329 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid William Badham to prosecute his said Suite against the said Treedle Keef <*Defendante's Appearance and plea*> And the said Defendante in his own proper person comes and defends the force and Injury when etc. and for plea Sayth he owes Nothing; But the said Keef withdrawing himself from the Court and being again Solemnly required and failing to appear and Support his plea aforesaid <*Withdrawn*>

<*Judgment by default*> It is Consider'd by the Court here that for default of the said Defendante's Appearance the said plaintiffe Shall recover and have of the said Defendante the aforesaid Sum of Seven pounds fifteen shillings and nine pence with Costs alias Execution.

<*Johnston* v. *Mackey. Vide page 330 Sect. 1.*> And here at this day (Videlicet etc.) Came the aforesaid John Johnston by his Attorney aforesaid and prayed Discontinuance of his Said Action.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the said John Mackey may go from hence without day and the said John Johnston may be from hence in mercy and that he pay Costs alias Execution.

<*Dun* v. *Bundy. Vide page 329 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid John Dun by his Attorney aforesaid and prayed Discontinuance of his Said Action.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the said John Bundy may go from hence without day and the said John Dunn may be from hence in mercy And that he pay Costs alias Execution.

<*Clayton* v. *Mathews. Vide page 330 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Henry Clayton Esq. in his own proper person and confesseth himself to be Satisfied of the debt and damages aforesaid.

<*Retraxit.*> Therefore the aforesaid Thomas Mathews of the said Debt and damages is acquitted etc.

<*Howett* v. *Cersey. Vide page 330 Sect. 3d.*> And now here at this day (Videlicet etc.) Came the aforesaid William Howett by his Attorney aforesaid and prayed Discontinuance of his Said Action.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the said Cersey may go from hence without day and the said William Howett may be from hence in mercy and that he pay Costs alias Execution.

<*Bray* v. *Hudson. Vide page 331 Sect. 3.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Bray by his Attorney aforesaid to prosecute his Said Suite against The said William Hudson; And the said Defendante (being Solemnly called) Came not; Therefore It is Consider'd that the Judgment obtained last Court by the Said Thomas against the Marshall of Albemarle County be Confirm'd the said Thomas having made his debt appear to be due pursuant to an Act of Assembly in that Case made etc. <*Judgment* v. *Marshall confirm'd.*>

<*Marshall* v. *Hudson. Judgment Confirm'd.*> It is also further Granted that the said Marshall Do recover and have of the Said William Hudson the said Sum

of Seven pounds five shillings as well as the Costs damages and charges accruing by reason of the said Judgement being Confirm'd against him for the Said Hudson's non appearance; Order'd that the said William Hudson do pay to the said provost Marshall of Albemarle County the sum of Seven pounds five shillings and Costs also the Sum of four Shillings and two pence as a fee by Law accrued for Judgment passed against him With Costs alias Execution.

<352> <*Every* v. *Linington. Vide page 331 Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid John Every by his Attorney aforesaid to prosecute his Said Suite against The said Edward Linington.

<*Defendante's appearance and plea.*> And the said Defendante in his own proper person comes and defends the force and Injury when etc. and Sayth nothing in Barr or Avoydance of the aforesaid Action of the aforesaid John; by which the said John against the Said Edward should remaine undefended.

<*Judgment with Stay of Execution.*> Wherefore It is Consider'd that the aforesaid John Every do recover and have of the Said Edward Linington the said Sum of ten pounds Sterling money of Great Brittaine and Costs with Stay of Execution till the end of the next Court to be held on the last Tuesday in October next. <*Execution* v. *Corpus issued Xber the 31 1723. Satisfaction Made.*>

<*Fry Assignee* v. *Linington. Vide page 332 Sect. 2.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Fry by his Attorney aforesaid to prosecute his Said Suite against the said Edwd. Linington. And the Said Defendante in his own proper person comes and Defends the force and Injury when etc. and Sayth nothing in Barr or Avoydance of the aforesaid Action of the aforesaid Thomas by which the said Thomas against the said Edward should remaine undefended. <*Defendante's Appearance and plea.*>

<*Judgment with Stay of Execution.*> Wherefore It is Consider'd that the aforesaid Thomas Fry do recover and have of the Said Edward Linington the Said Sum of nineteen pounds Sterling and Costs with Stay of Execution till the end of the next Court to be held on the last Tuesday in October next. <*Execution* v. *Corpus issued Xber the 31 1728. Satisfaction made.*>

<*Dowers* v. *Montier. Vide page 332 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid William Dowers by his Attorney aforesaid to prosecute his Said Suite against the Said Lewis Montier.

<*Retraxit. Satisfaction.*> And the said Defendante by Edwd. Moseley his Attorney payd down in Court the Debt aforesaid and Costs Wherefore the said Lewis of the Debt and Costs aforesaid is acquitted etc.

<*Johnston Assignee* v. *White. Vide page 332 Sect. 5.*> And now here at this day (Videlicet etc.) Comes the aforesaid John Johnston by his Attorney aforesaid to prosecute his Said Suite against the said Josias White.

<*Defendante's Appearance and plea.*> And the said Defendante in his own proper person comes and defends the force and Injury when etc. and Sayth nothing in Barr or Avoydance of the aforesaid Action of the aforesaid John by which the Said John against the said Josias should remain undefended.

<*Judgment with Stay of Execution.*> Wherefore It is Consider'd that the aforesaid John Johnston do recover and have of the said Josias White the said Sum of Six pounds fifteen shillings and Costs with Stay of Execution till the end of the next Court on the last Tuesday in October next.

<*Bray* v. *Turner. Vide page 333 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Bray by his Attorney to prosecute his Suite against the said James Turner. And the said Defendante being Solemnly required came not, Whereupon the plaintiffe prayed Continuance of the Attachment against his Estate Which is Granted returnable to the next Court on the last Tuesday in October next. <*Continu'd at the plaintiffes Motion.*>

<*Peskens* v. *Bell. Vide page 333 Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas peskens by his Attorney aforesaid And the said Defendante by Thomas Swann his Attorney And hereupon by the Consent of both partys the Said Cause is putt in respite untill the next Court. <*Defendantes Appearance. Cont. by Consent.*>

<*Rule to come to tryall next Court etc.*> At which time It is made a Rule of this Court that the said Cause shall come to tryall and that the Defendante or his Attorney shall file his plea ten days before the said Court.

<*Peskitt* v. *Bell. Vide page 334 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas peskitt by his Attorney aforesaid And the said Defendante by Thomas Swann his Attorney And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court. <*Defendante's Appearance. Cont. by Consent.*>

<*Rule to come to tryall next Court etc.*> At which time It is made a Rule of this Court that the said Cause shall come to tryall and that the Defendante or his Attorney shall file his plea ten days before the said Court.

<*Moseley* v. *Keefe. Vide page 334 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Moseley and the aforesaid Keefe in their Owne proper person's and hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Defendantes Appearance. Cont. by Consent.*>

<*Reddick* v. *Rountree. Vide 334 Sect. 3d.*> And now here at this day (Videlicet etc.) Came the aforesaid Mary Reddick by her Attorneys aforesaid to prosecute her Said Suite against the said Thomas Rountree.

<*Defendante's Appearance and plea.*> And the Said Thomas by Thomas Boyd his Attorney comes and defends the force and Injury when etc. And Saith Action not etc. because he sayth that by a certain Act of Assembly made and ratified at a Generall Bienniall Assembly of this province held at the house of Capt. Richard Sanderson <353> att Little River begun the 17th day of November 1715 and Continued by Adjournments till the 19th day of January following and now in full force Intituled an Act concerning Old Titles of Land and for Limitation of Actions and for Avoyding of Suites in Law amongst other things therein Sett forth It is Enacted by the Authority of the Same Assembly that all actions of Tresspass Detinue Actions Sur Trover and Replevin for the taking away of Goods and Chattells all actions of Account and upon the Case all Actions of Debt for Arrearages of Rent all action of Assault menace Battery wounding and imprisonment or any of them which shall be sued or brought at any time after the ratification of this Act shall be commenced and brought within the time and Limitation in this Act expressed and not after That is to Say; Actions of Accompt for Tresspass debt detinue or Replevin and the said Actions of Tresspass quare

clausum fregit within three Years next after the Ratification of this Act or within three Years next after the cause of Such Actions or Suite and not after except Such Accompts as concern the Trade of Merchandize between Merchant and Merchant their Factor or Servants; And the said Actions of Tresspass of Assault Battery wounding Imprisonment or any of them within one Year next after the ratification of this Act Or within One Year after the Cause of Such action or Suite and not after, And the said Action upon the Case for words within Six Months after the Ratification of this Act or within Six months after the words Spoken and not after as by the said Act of Assembly more plainly is manifest and appeareth. And the same Thomas Rountree further Sayth that the aforesaid Act of Assembly was ratified upon the nineteenth day of Janry. One thousand seven hundred and fifteen and that the aforesaid Mary Reddick her Writt and plaint aforesaid did commence Sue and bring upon the first day of february One thousand Seven hundred and twenty two against the said Thomas Rountree which truly Writt and plaint in form aforesaid commenced Sued and brought was not commenced Sued and brought within One Year next after the ratyfication of the Act aforesaid Or within One Year next after the Cause of Such Action of Tresspass assault and battery aforesaid alledged according to the forme and Effect of the Act of Assembly aforesaid and this he is ready to verifie Wherefore he prays Judgment if Action etc.

<*Replication.*> And the plaintiffe by Thomas Swann her Attorney Saith by way of Replication that she ought not to be precluded by any thing in the Defendante's plea in Barr to this Action Because she Saith that the Action was commenced within One Year after the plaintiffe arrived at the age of Twenty one Years of Age And this she is ready to verifie; Wherefore she prays Judgment whether the Defendante the aforesaid Act of Assembly Ought to plead in Barr of the said Action etc.

<*Time Given the Defendante to produce Evidence.*> Whereupon the Defendante prayed time to produce Evidences and for a dedimus to issue directed to Thomas Jordan Junior John Wright and John Yates Gentlemen Justices of the peace for the County of Nansemond in the Dominion of Virginia impowering them to take the depositions of such Evidences as Shall be brought before them. <*Dedimus to issue.*> Wherefore It is Orderd; that a Dedimus do issue directed to The Said Thomas Jordan Junior John Wright and John Yates impowering them to take the Depositions of Such Evidences as shall be brought before them by either plaintiffe or Defendante returnable to the next Court on the last Tuesday in October next till which time the said Cause is putt in respite.

<*Ogilby* v. *Sale. Vide page 334 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid patrick Ogilbye by his Attorney aforesaid to prosecute his Said Suite against the said John Sale.

<*Judgment by default.*> And the Said Defendante (being Solemnly called) Came not. And for Default of the Said Defendante's Appearance It is Consider'd by the Court here that the Judgment obtained against the Defendante in the hands of John Ansley be Affirmed. It is therefore Order'd that the Said John Ansley do pay to the said patrick Ogilby the sum of eight pounds ten shillings and Costs out of the Estate of John Sales in his hands alias Execution. <*Execution issued the* [*blank*] *day of* [*blank*] *1723.*>

<*Hewett* v. *Canings vide page 335 Sect. the 2d.*> And now here at this day (Videlicet etc.) Came the parties aforesaid by their Attorneys aforesaid And hereupon by the Consent of both parties the Said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Cont. by Consent.*>

<*Ellison* v. *Howcott vide page 336 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid plaintiffe by his Attorney aforesaid to prosecute his Said Suite against the said John Howcott and the Said Defendante being Solemnly called came not. Whereupon the plaintiffe prayed Continuance of the attachment against his Estate which is granted returnable to the next Court on the last Tuesday in October next. <*Attachment Cont.*>

<354> <*Ellison* v. *Minge vide page 336 Sect. 2.*> And now here at this day (Videlicet etc.) Came the aforesaid plaintiffe by his Attorney aforesaid to prosecute his Suite against the said James Minge. And the Said Defendante (being Solemnly called) came not. Whereupon the plaintiffe prayed day till the next Court to produce proof of his Debt according to the direction of an Act of Assembly in that Case made. Which was Granted the same day is also given to the Defendante. <*Cont. at the plaintiffe's Motion.*>

<*Ogilby* v. *Leary vide page 336 Sect. 5.*> And now here at this day (Videlicet etc. Came the aforesaid partys by their Attorneys aforesaid And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next. <*Cont. by Consent.*>

<*Smethwick* v. *Williamson vide page 337 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid John Smethwick by his Attorney aforesaid to prosecute his Said Suite against the said James Williamson. <*Defendante's appearance and plea.*> And the Said Defendante by Thomas Boyd his Attorney comes and defends the force and Injury when etc. And prays Judgement of the Writt aforesaid because he sayth that the Writt aforesaid purchased in this Case by the aforesaid plaintiffe ought to be in this form following Videlicet Wee Command you to attach the body of James Williamson of the Southwest parish of Chowan in albemarle County planter and [note] in the manner in which it is purchased and obtained and this he is ready to verify, Wherefore he prays Judgment of the Writt aforesaid and that the Writt etc. may abate etc.

<*Plea in Abatement allow'd.*> Which plea being argued and by the Court here allow'd to be good and Sufficient in the Law to abate the Writt aforesaid; It is Therefore Consider'd by the Court that the said plaintiffe may be from hence in mercy and the said Defendante may go hence without day and that the plaintiffe pay Costs alias Execution. <*Discontinued per Curiam.*>

<*Farlow* v. *Newby vide page 338 Sect. 3d.*> And now here at this day (Videlicet etc.) Came the aforesaid James Farlow by his Attorney aforesaid and prayed Discontinuance of his Action aforesaid.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the Said Francis Newby may go hence without day and that the said James may be from hence in mercy and that he pay Costs alias Execution.

<*Betterley* v. *Hazard vide page 338 Sect. 5.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Betterley to prosecute his Said Suite against the Said Roger Hazard for the Sum of thirty seven pounds. <*Defendante's Ap-*

pearance and plea.> And the said Defendante by Thomas Boyd his Attorney Comes and defends the force and Injury when etc. and Saith that the aforesaid plaintiffe after the day of the purchasing the Writt aforesaid to witt upon the tenth day of June last One thousand Seven hundred and twenty three at Edenton in Albemarle County had and received of the aforesaid Defendante the sum of five pounds current money of this province in part payment of the said Bill for thirty Seven pounds declared for in the plaintiffe's declaration and this he is ready to verefie wherefore he prays Judgement of the Writt etc.

<*Arbitrators Appoynted.*> Whereupon the parties aforesaid in their own proper persons came and Submitted themselves to this Court to appoynt Arbitrators to adjust all matters in difference between them relating to this Action and all other Accounts. It is therefore Order'd that Collonel Thos. Harvey Thos. Lovick Esq. and Mr. John Conner Merchant or any two of them do adjust the matters in difference between them and make their report thereof to this Court this afternoon or on Monday morning. <*Their Returne.*> Who upon their returne found the Ballance due to Thomas Betterley to be forty Seven pounds four shillings Current money of this province. <*Judgment.*> Therefore It is Consider'd that the said Thomas Betterley do recover and have of the said Roger Hazard the Said Sum of fourty Seven pounds four shillings Current money with Costs alias Execution.

<*Betterley* v. *Hazard. Vide page 339 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Betterley by his Attorney aforesaid and prayed discontinuance of his Action aforesaid against the said Roger Hazard. Wherefore It is Consider'd that the said Hazard may go from hence without day and that the said Thomas may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued per plaintiffe.*>

<355> <*Ansley* v. *Jones Administrator. Vide page 340 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid John Ansley in his own proper person and prayed discontinuance of his Action aforesaid.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the Said Griffith Jones may go from hence without day and that the said plaintiffe may be from hence in Mercy and that he pay Costs alias Execution.

<*Sanderson Administrator* v. *Johnston. Vide page 341 Sect. 1.*> And now here at this day (Videlicet etc.) Came the aforesaid Richard Sanderson qualified as aforesaid by his Attorney aforesaid to prosecute his Said Suite against the Said Johnston.

<*Defendante's Appearance.*> And the said Defendante in his own proper person appear'd and by Consent of both parties they referr'd the matter to the Arbitration of Edmund Gale Danl. Richardson Esqrs. and Mr. John Grey. <*Arbitrators appointed by a rule of Court.*> It is therefore made a Rule of this Court that Edmund Gale Danl. Richardson Esqs. and Mr. John Grey do examine and arbitrate all matters in difference relating to this Action and make report thereof to this Court. <*Their report.*> Who upon their returne made the report following Videlicet According to an Order of the Generall Court requiring us the Subscribers to Examine and arbitrate the matter relating to the Bill now in Court under prosecution whether the money due on the said Bill is due from the said Johnston are of the Opinion etc. have agreed that the said Sum of five pounds

one shilling and eight pence sterling within mention'd as Still due from the said Johnston. Signed Edmd. Gale Danl. Richardson and John Grey.

<*Judgment.*> It is Therefore Consider'd that the said Richard Sanderson do recover and have of the said John Johnston the said Sum of five pounds One shilling and eight pence Sterling with Costs alias Execution.

<*Sanderson* v. *Outlaw. Vide page 342 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Richard Sanderson by his Attorney aforesaid to prosecute his Said Suite against the said Edward Outlaw.

<*Judgment* v. *Marshall Confirmed.*> And the Said Defendante (being Solemnly required) came not; Therefore It is Consider'd that the Judgment obtained the last Court by the said Sanderson against the provost Marshall of Albemarle County be Confirm'd the said plaintiffe having made his debt appear to be due pursuant to an Act of Assembly in that Case made and provided. It is also further Granted that the said Marshall Do recover and have of the said Edward Outlaw the said Sum of Seventeen pounds five shillings as well as the Costs and damages and also the charges accruing by reason of the said Judgment being confirmed against him.

<*Marshall* v. *Outlaw. Judgment Confirm'd.*> Order'd that the said Edward Outlaw doe pay to the said provost Marshall or his Deputy the said Sum of Seventeen pounds five shillings and Costs also the sum of four shillings and ten pence as a fee by Law accrued for Judgement passed against him with Costs alias Execution.

<*Sanderson Administrator* v. *Hicks Administrator. Vide page 342 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Richard Sanderson qualified as aforesaid to prosecute his Said Suite against the said Robert Hicks Administrator as aforesaid.

<*Defendante's Appearance and plea.*> And the said Defendante by Thomas Henman his Attorney comes and defends the force and Injury when etc. And Says that the said plaintiffe his Action aforesaid ought not to have etc. because he the said Defendante says that he at the time of the plaintiffe's bringing the said Action had fully administred of all and Singular the Goods and Chattells which were of the aforesaid Robert Calfe's deceased in his hands to be administred of by which the aforesaid Defendante the Debt aforesaid to the aforesaid plaintiffe ought not pay and this he is ready to verifie etc. and therefore pray's Judgement etc.

<*Replication.*> And the said plaintiffe by Thomas Boyd his Attorney Says he ought not to be precluded etc. because the Defendante aforesaid hath and at the time of issuing the Writt aforesaid Videlicet the twenty third day of february One thousand Seven hundred and twenty two at Chowan aforesaid had divers Goods and Chattells in his hands which were Robert Calfe's at the time of his death to be Administred of to the value of the Debt and damages aforesaid whereby he may Satisfy the plaintiffe's debt aforesaid and this he prays may be enquired of by the Country etc.

And the plaintiffe in like manner.

<*Cont'd. by Consent.*> And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next.

<*Sanderson Administrator* v. *Yates. Vide page 343 Sect. 1.*> And now here at

this day (Videlicet etc.) Came the aforesaid Richard Sanderson qualified as aforesaid to prosecute his Said Suite against the said William Yates.

<*Attachment Granted.*> And the said Defendante (being Solemnly called) Came not; Wherefore It is Granted at the plaintiffe's Motion that the Marshall do Attach the Goods and Chattells of the said William Yates So as to compell him to appear at the next Generall Court to answer to the aforesaid plaintiff.

<356> <*Comrey* v. *Cockburne. Vide page 343 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid William Comrey (being Solemnly called) came not nor prosecuted his Action aforesaid.

<*Nonsuite.*> Whereupon the Said Adam Cockburne in his own proper person appeared and prayed a Nonsuite. Which was Granted; And Order'd that the said plaintiffe may be from hence in mercy and that the Said Defendante may goe from hence without day and that the plaintiffe pay Costs alias Execution.

<*Swann* v. *Johnson. Vide page 343 Sect. 3.*> And now here at this day (Videlicet etc.) Came the aforesaid plaintiffe in his own proper person to prosecute his Said Suite against the said William Johnson; And the said Defendante (being Solemnly called) came not; Therefore It is Consider'd that the Judgment obtained the last Court by the said plaintiffe against the provost Marshall of Albemarle County be Confirmed the Said plaintiffe having made his Debt appear to be due pursuant to the direction of an Act of Assembly in that Case made and provided. <*Debt proved. Judgment* v. *Marshall confirm'd.*>

<*Marshall* v. *Johnson. Judgment confirm'd.*> It is also further Granted that the said Marshall Doe recover and have of the said Defendante the said Sum of three pounds as well as Costs and Damages and also the Charges accruing by reason of the said Judgment being Confirmed against him. Order'd that the said William Johnson do pay to the said provost Marshall the said Sum of three pounds and Costs also the sum of four shillings and two pence fee by Law accrued for Judgment being passed against him with Costs alias Execution.

<*Swann* v. *Whidbee. Vide page 344 Sect. 2d.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Swann in his Own proper person and prayed discontinuance of his Action aforesaid.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the said John Whidbee may go from hence without day and that the Said plaintiffe may be from hence in mercy and that he pay Costs alias Execution.

<*Bell* v. *Morgan. Vide page 344 Sect. 4.*> And now here at this day (Videlicet etc.) Came the aforesaid George Bell by his Attorney aforesaid and prayed discontinuance of his Action aforesaid.

<*Discontinued per plaintiff.*> Wherefore It is Consider'd that the said phillip Morgan may go from hence without day and that the said plaintiffe may be from hence in mercy and that he pay Costs alias Execution.

<*Harding* v. *Ellsey. Vide page 344 Sect. 6.*> And now here at this day (Videlicet etc.) Came the aforesaid Thomas Harding by his Attorney aforesaid and prayed discontinuance of his Action aforesaid.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the said Stephen Ellsey may go from hence without day and that the said plaintiffe may be from hence in mercy and that he pay Costs alias Execution.

<*Evidence petition in Suite Ratcliff* v. *Yelverton. Vide page 349 Sect. 4.* > On the petition of Thomas Yates Edward More and George Smith praying to be allow'd for their Attendance etc. in the Suite brought by John Yelverton against Samuel Ratcliff

<*Allowed.* > Order'd that they be allow'd Videlicet Thomas Yates for Six days Attendance and two days Coming to and going from the Court eighteen shillings and four pence; to Edwd. More for eight days Attendance and two days in coming to and going from the Court twenty three shillings and four pence; to George Smith for four days Attendance and two days in coming to and going from the Court thirteen shillings and four pence with Costs alias Execution.

<*Rule about Subpoena's.* > Order'd that for the future all Subpoena's for Evidences taken out before Issue Joyn'd Shall be at the Charge of the person taking out the Same and not allow'd in the Bill of Costs.

Attkins v. Grumbs Debt return'd Security taken, discontinued per the plaintiffe.

Sanderson v. Flowers Case return'd Cepi. Discontinued per the plaintiffe.

<357 > <*Parris* v. *Mozill. Ejectment.* > North Carolina Ss.

July Generall Court 1723

Thomas Parris of the precinct of Chowan complaines against Luke Mezill in custody of the Marshall etc. for that to witt that whereas George Clarke the first day of January in the Year of Our Lord One thousand Seven hundred and twenty two at the precinct of Bertie did demise Sett and to farm lett to the said Thomas One Messuage One Tenement and Eleven hundred Acres of Land with the appurtenances Scituate lying and being at or nigh Cashia neck now Cashia River bounded as by the Originall patent bearing date the nineteenth day of October One thousand Seven hundred and Sixteen which was granted to Luke Mezill by mesne Conveyances deriv'd to the said George Clarke To have and to hold the said Messuage Tenement and Eleven hundred Acres of Land with the Appurtenances to the said Thomas and his Assignes from the Said first day of January in the Year of Our Lord One thousand Seven hundred and twenty two aforesaid untill the full end and term of Seven Years from thence ensuing and fully to be compleat and ended. By Virtue of which demise the said Thomas entred into and upon the aforesaid Messuage Tenement and eleven hundred Acres of Land with the appurtenances and was thereof possess'd untill the Said Luke Mezill afterwards (to witt) the Second day of January aforesaid in the Year aforesaid by force and Armes etc. the Messuage Tenement and Eleven hundred Acres of Land with the Appurtenances in and upon the possession of the said Thos. then and there entred and him the said Thomas from his Land Messuage and Tenement aforesaid (the term aforesaid not being ended) Ejected Expelled and putt out and him the said Thomas being ejected expelled and amoved from his possession thereof held out and hitherto doth hold and keep out and other Injurys to him did then and there do bring and Act against the peace of Our Sovereign Lord the King that now is and to the damage of the said Thomas One hundred pounds Sterling and therefore he brings this Suite etc. <*Narratio.* >

<*Notice to the Tenant in possession.* > Mr. John Stevens. You may perceive by the within Declaration in Ejectment that I am Sued for the premises or Some part thereof to which I have no Title if therefore you claime any right thereto

you must appear at the next Generall Court to be held for this Government at Edenton on the last Tuesday in July next and make Your defence otherwise I shall Suffer Judgement to pass against me by default and you will be turn'd out of possession.

To Mr. John Stevens Tenant in possession of the premises in question — Yours etc. Luke Mezill

<*Deposition of Service.*> John Smethwick was deposed in open Court that on the twenty fourth day of June last past he deliver'd a Copy of this Declaration unto Mr. John Stevens Tenant in possession of the Messuage and Lands Mention'd in the within Declaration and the Notice above Written and that he the said Deponent read the Same to him.

<*Steven's Appearance.*> Then appear'd in Court John Stevens Thomas Boyd his Attorney who claimed Title to the premises and prayed to be admitted Defendante in the room of Casuall Ejector which was allowed.

<*Petition to be admitted Defendante.*> Thereupon It is Order'd by the Court with the Consent of both partys that the said John Stevens become Defendante in the room of the Casuall Ejector and that he appear forthwith to the suite of the plaintiffe and shall receive the Declaration and shall plead thereto forthwith (Not guilty) and on the tryall of the Issue shall confess Lease entry and Ouster and insist on the Title only otherwise Judgment shall be entred for the plaintiffe against the said Luke Mezill Casuall Ejector and Defendante in the Declaration by Default.

And the Said John Stevens by his Attorney aforesaid Comes and defends the force <358> and Injury when etc. and Sayth that he is noe ways Guilty as the aforesaid Thomas against him hath Complained and of this he puts himself upon the Country and in like manner the plaintiffe by Thomas Henman his Attorney. <*Defendante's appearance and plea. Issue joyn'd.*>

<*Continued by Consent.*> And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court.

<*Bartlett* v. *Davis. Debt. Narratio.*> Thomas Bartlett by Edward Moseley his Attorney comes to prosecute his Suite against William Davis in custody of the Marshall etc. of a plea that he the Defendante Should render to him the Sum of twenty two pounds ten shillings which to him he oweth and from him unjustly detaineth for that to witt that whereas the said Wm. on the ninth day of febr. One thousand seven hundred and twenty one at the precinct of Chowan by his certain Bill or writing obligatory sign'd by the said Wm. dated the same day and Year herein Court produced did oblige himself to pay to the said Thomas his heirs Administrators or Assignes the said Sum of twenty two pounds ten shillings by the first day of June then next ensuing Nevertheless the said William to the said Thomas the aforesaid Sum by the said first day of June did not pay nor at any time Since etc.

<*Marshall's returne.*> And the Said Defendante being Solemnly called came not. Nor did the Marshall make returne of Bond or Security taken for the said Defendante's Appearance as Law he Ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's

Estate. And the plaintiffe aforesaid making choyce of an Order against the Marshall

<*Order* v. *Marshall.*> It is therefore Order'd that the provost Marshall of Albemarle County have the body of the Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the said Marshall for the aforesaid Debt and Costs.

<*Attachment* v. *Defendante's Estate.*> Whereupon the said Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear and at the next Court to answer the said plaintiffe. Which is granted.

<*Moseley* v. *Nairne. Debt. Narratio.*> Edward Moseley of Chowan precinct Gentleman in his own proper person comes to prosecute his Suite against John Nairne in custody etc. of a plea that he should render to him the said plaintiffe the sum of thirty eight pounds province Bills of the Government aforesaid which to him he oweth and from him unjustly detaineth the same being due by his Writing obligatory bearing date the fifth day of July One thousand Seven hundred and twenty payable to the plaintiffe or his Order on the last day of September next ensuing the date thereof and here in Court produced etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly required) came not. And the Marshall making returne that he left a Copy of the Writt and Declaration at the house of the Defendante According to the direction of the Act of Assembly in that case made etc.

<*Attachment* v. *Defendante's Estate.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the goods and Chattells of the Said Defendante returnable to the next Court thereby to compell him to appear and answer to the Suite of the plaintiffe.

<*Sanderson Assignee* v. *Crosby. Debt. Narratio.*> Richard Sanderson Esqr. Assignee of Thomas Roper by Edwd. Moseley his Attorney comes to prosecute his Suite against John Crosby in Custody etc. of a plea that he Should render to him the Sum of fourteen pounds Sterling which to him he oweth and from him unjustly detaineth the Same being due to Thomas Roper by Bill under the hand of the said Defendante dated the fourth day of August one thousand seven hundred and twenty two which Bill was by him <359> Assign'd to the plaintiffe and is here in Court produced etc.

<*Marshall's returne.*> And the Said Defendante being Solemnly Called came not; And the Marshall making returne that he left a Copy of the Writt and Declaration at the house of the Defendante according to the direction of an Act of Assembly in that Case made and provided etc.

<*Attachment* v. *Defendante's Estate.*> It is Therefore Granted at the plaintiffe's Motion that an Attachment do issue against the Goods and Chattells of the said Defendante thereby to compell him to appear at the next Court and answer to the Suite of the plaintiffe returnable to the next Court on the last Tuesday in October next.

<*Allen* v. *Skipper. Debt. Narratio.*> George Allen by Thomas Henman his Attorney comes to prosecute his Suite against George Skipper in custody etc. of a plea that he the said Defendante render unto him the said plaintiffe the sum of

five hundred pounds which he the said Defendante owes and unjustly detains from him the said plaintiffe (to witt) the thirtieth day of August One thousand Seven hundred twenty two at the precinct of Chowan for that to witt that whereas by an Act of Assembly Entituled an Act Concerning Servants and Slaves made and Enacted at a Generall Bienniall Assembly begun and held at the house of Captain Richd. Sanderson at Little River the seventeenth day of Nover. one thousand Seven hundred and fifteen and continued by Severall Adjournments untill the nineteenth day of January One Thousand Seven hundred and fifteen amongst divers other things it is therein and thereby enacted that if any person or persons shall entertain or harbour any runaway Servant or slave above One night he or they so offending shall for every four and twenty hours afterwards forfeit and pay the sum of ten shillings to the Master or Mistress of Such Servant or Slave together with all Costs losses and damages which the Master or Mistress shall Sustain by the means of such entertaining or concealment to be recover'd in any Court of record within this Government wherein no Essoign protection Injunction or wages of Law shall be allow'd or admitted of. Nevertheless the said Defendante not minding or in any manner regarding the said Act but evilly and malitiously intending to wrong and Injure the said plaintiffe the Seventeenth day of Decembr. in the Year of Our Lord One thousand Seven hundred and nineteen did perswade delude and take away from the plaintiffe's Service a Servant Woman named Mary Bailey the proper Servant of him the said plaintiffe's and from the said Seventeenth day of Decr. in the Year One thousand Seven hundred and nineteen at the precinct of Chowan aforesaid did entertaine and harbour her the said Mary Bailey knowing her to be the plaintiffe's Servant contrary to and against the meaning directions and intent of the said Act untill the thirtieth day of August aforesaid in the Year One thousand Seven hundred twenty two aforesaid: By reason of which Said harbouring and entertaining by the Defendante of the plaintiffe's said Servant from the said Seventeenth day of December one thousand Seven hundred and nineteen untill the thirtieth day of August one thousand Seven hundred and twenty two being nine hundred eighty Six days: and by force and virtue of the said Act of Assembly Action hath accrued to him the said plaintiffe to recover and have against the Defendante the Sum of four hundred ninety three pounds and also all such Costs losses and damages as he the said plaintiffe hath Sustained by reason of the said harbouring and entertaining of the said plaintiffe's Said Servant by the Defendante. Wherefore the plaintiffe Sayth he is damnyfied and damage hath Sustained to the value of five hundred pounds and therefore he brings this Suite etc.

<*Defendante's appearance and plea.*> And the said Defendante in Custody of the Marshall appeared and by Thomas Swann his Attorney pleaded not Guilty and for Tryall there of putt himself upon the Country And the plaintiffe in like manner.

<*The Defendante to remain in Custody.*> And hereupon at the Motion of the plaintiffe the Marshall is Order'd to keep the body of the said Defendante in Safe Custody till he give Speciall Security for his appearance at the next Court then and there to answer the suite of the Said plaintiffe till which time the said Cause is putt in respite. It is also further Granted at the plaintiffe's Motion <360> That

a Dedimus do issue directed to Capt. Henry Harrison Capt. William Browne Capt. John Simmons Capt. Thomas Cock Gentlemen Justices of the peace for the County of Surrey in the Dominion of Virginia or any two of them to take the Depositions of Such Evidences as shall be brought before them either by the plaintiffe or Defendante in the said County returnable to the next Court on the last Tuesday in October next. <*Respite. Dedimus to issue..*>

Porter and Uxor Executrix v. Williamson and Uxor Administrator return'd Cepi. Discontinued by the plaintiffe.

<*Sanderson Administrator* v. *Halsey. Debt.*> Richard Sanderson Esq. Administrator of John Ormondy deceased by Edw. Moseley his Attorney comes to prosecute his Suite against Mary Halsey in custody etc. of a plea that the Defendante Should render to him eighteen barrells of good pitch or if paid in bills to allow fifty per Cent. which from him she unjustly detaineth the same being due by Bill or writing Obligatory dated the Sixteeenth day of May One thousand Seven hundred and twenty at the precinct of Chowan payable to the said John Ormondy in his life time and here in Court produced etc. <*Narratio.*>

<*Marshall's returne.*> And the Said Defendante (being Solemnly required) came not nor did the Marshall make returne of Bond or Security taken for the Said Defendante's Appearance as by Law he ought to have done.

Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court Or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is Therefore Orderd that the provost Marshall of Albemarle County have the body of the Defendante at the next Generall Court to answer to the Suite of the Said plaintiffe Otherwise Judgement to be Confirm'd against the said Marshall for the aforesaid Debt and Costs.

Selby v. Dowers Originall Attachment. Return'd Executed; Discontinued by the plaintiffe.

New v. Elerby Debt: return'd non est inventus. Dismist per Curiam; the plaintiffe not appearing.

<*Forster Assignee* v. *Welch. Debt. Narratio.*> Robert Forster Assignee of William Willson and Ann his Wife in his own proper person comes to prosecute his Suite against James Welch in custody etc. of a plea that the Defendante should render to the plaintiffe Assignee as aforesaid the Sum of forty barrells of Stone pitch which he oweth and unjustly detaineth for that Videlicet Whereas the said James Welch together with Thomas Thompson Videlicet on the Second day of June One thousand Seven hundred and twenty one by their Speciall Writing obligatory under their hands and Seales dated at the Same time and here in Court produced did bind and oblige themselves and either of them Joyntly and Severally in the whole and for the whole to pay to Ann Brice Sole (now Ann Willson) aforesaid or Assignes the sum of forty barrells of full gauged Merchantable Stone pitch which Debt by Intermarriage between the said Ann and the said William became due to the Said William and his Assignes to have and recover by him the said William was assign'd to the Said Robert Forster Yet nevertheless neither the said

James Welch nor the said Thomas Thompson have paid the said forty barrells of pitch either to the said Ann Brice whilst Sole nor to the said William Willson at any time Since nor to the said Robert Forster the said Assignee but the Same to pay hath denyed and Still doth deny tho' often requested to the plaintiffe's damage forty pounds and therefore he brings this Suite against the Said James Welch bound as aforesaid etc. <*Marshall's returne.*> And the said Defendante being Solemnly required came not; Nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done. Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment agaynst the Defendante's Estate; <*Order* v. *Marshall*> And the plaintiffe aforesaid making choyce of an Order against the Marshall; It is therefore Order'd that the provost Marshall of Bath County have the body of the Defendante at the next General Court to answer the aforesaid plaintiffe <361> Otherwise Judgment to be confirm'd against the said Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Said Marshall prayed an Attachment against the estate of the Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court. Which was granted.

Frank v. West. Summons etc. Return'd Executed; Dismist per Curiam plaintiffe not appearing.

Palin v. Henman Case. Return'd Executed. Discontinued by the plaintiffe.

<*Hicks Administrator* v. *Wilkinson. Debt. Narratio.*> Robert Hicks in his own proper person being Administrator of Robert Calfe deceased comes to prosecute his Suite against James Wilkinson of Chowan planter in Custody etc. of a plea that he the Defendante render to him the said plaintiffe the sum of Seventy five pounds Sterling which he the said Defendante owes and unjustly detains from him the said plaintiffe the Same being due by Obligation under the Defendante's hand dated the twenty third day of June One thousand Seven hundred and twenty one payable to the said Robert and here in Court produced etc. <*Defendante's Appearance and plea.*> And the said Defendante in his own proper person comes and defends the force and injury when etc. and Saith nothing in Barr or Avoydance of the aforesaid Action of the aforesaid plaintiffe by which the said plaintiffe against the Said Defendante Should remain undefended. <*Judgment with Stay of Execution.*> Therefore It is Consider'd that the aforesaid Robert Hicks qualified as aforesaid shall recover and have of the said James Wilkinson the sum of twenty five pounds Sterling with Costs with Stay of Execution till the twenty fifth day of December next.

Clayton v. Hazard Originall Attachment. Return'd Executed. Retraxit.

<*Pugh* v. *More. Case. Narratio.*> Francis Pugh by Thomas Swann his Attorney comes to prosecute his Suite against William More in Custody etc. of a plea of the Case for that the Defendante being indebted to the plaintiffe the Sum of Sixteen pounds and two pence for Sundry Goods Sold and deliver'd the Defendante as by the Account here in Court produced he the Defendante did Assume on himself and promised in Consideration thereof Videlicet at Chowan Decemr. the tenth One thousand Seven hundred and twenty two the said Sum to the plaintiffe to

pay and thereof the Defendante hath paid the sum of eight pounds two shillings but the remainder to Witt Seven pounds eighteen shillings and two pence the Defendante unjustly denys and refuses etc. to pay tho' often thereunto required to the plaintiffe's damage ten pounds and therefore he brings this Suite etc.

<*Defendante's Appearance and plea.*> And the said Defendante in his own proper person comes and defends the force and Injury when etc. and Saith nothing in Barr or Avoydance of the aforesaid Action of the plaintiffe by which the said plaintiffe against the said Defendante should remaine undefended; <*Judgment*> Therefore It is Consider'd that the said Francis Pugh do recover and have of the said William More the said Sum of Seven pounds eighteen Shillings and ten pence with Costs alias Execution. <*Execution* v. *Capias issued July 4th 1724.*>

<*Pugh* v. *Wyatt. Narratio.*> Francis Pugh by Thomas Swann his Attorney comes to prosecute his Suite against Thomas Wyatt in Custody etc. of a plea that the Defendante should render to the plaintiffe the sum of twenty Six pounds Current money of this province and the sum of thirty two pounds in Bills and the sum of fourteen pounds fifteen shillings which to the plaintiffe he owes and unjustly detaines for that videlicet In Carolina aforesaid the said Thomas on the Seventeenth day of June One thousand Seven hundred twenty two by his certain Bill under his hand dated at the same time in Court produced did oblige himself to pay to the plaintiffe the sum of twenty Six pounds current money and at the Same time by another under his hand dated at the Same time in Court produced the defendante did oblige himself to pay to the plaintiffe the sum of thirty two pounds in Bills and also the Defendante being indebted to the plaintiffe for Sundrys as per Account in Court produced the Sum of fourteen pounds fifteen shillings assumed the same to the plaintiffe to pay Videlicet in June One thousand Seven <362> hundred and twenty two yet he the Defendante the said Sum of twenty Six pounds and the Sum of thirty two pounds and the said Sum of fourteen pounds fifteen shillings or any part of them hath not paid but the same to pay unjustly denys and refuses tho' often required to the plaintiffe's damage eighty pounds and therefore he brings this Suite etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly required) came not; And the Marshall making returne that he left a Copy of the Writt and declaration at the house of the Defendante according to the direction of an Act of Assembly in that Case made etc. <*Attachment Granted.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the Goods and Chattells of the said Defendante returnable to the next Court thereby to compell him to appear and answer to the suite of the plaintiffe.

<*Pugh* v. *Jones. Case. Narratio.*> Francis Pugh by William Little his Attorney comes to prosecute his Suite against Charles Jones in custody etc. of a plea for that the Defendante in Carolina aforesaid in the Year One thousand Seven hundred and twenty two being indebted to the plaintiffe the Sum of nine pounds two shillings and eight pence in Bills for Sundry Goods Sold and deliver'd to the Defendante by the plaintiffe as by an Account in Court produced he the Defendante at the precinct of Chowan on the tenth day of December One thousand Seven hundred and twenty two in Consideration thereof assumed on himself and

promised to the plaintiffe to pay the said Sum of nine pounds two shillings and eight pence Yet the same to pay unjustly denys and refuses tho' often required to the plaintiffe's damage Ten pounds and therefore he brings Suite etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly required) came not. Nor did the Marshall make returne of Bond or Security taken for the said Defendante's Appearance as by Law he Ought to have done. Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; <*Order* v. *Marshall*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante at the next Generall Court, Otherwise Judgment to be Confirm'd against the said provost Marshall for the aforesaid Debt and Costs.

<*Attachment against Defendante's Estate.*> Whereupon the Said Marshall prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. Which was granted.

<*Pugh* v. *Blackman. Debt. Narratio.*> Francis Pugh by William Little his Attorney comes to prosecute his Suite against John Blackman in Custody etc. of a plea that the Defendante should render to the plaintiffe Seven hundred and fifty pounds of good merchantable pork which to the plaintiffe he owes and unjustly detaines for that Videlicet in Carolina aforesaid the fifteenth day of Aprill One thousand Seven hundred and twenty one by his Bill under his hand dated at the same time ready in Court to be produced did oblige himself to pay to the plaintiffe Seven hundred and fifty pounds of pork Yet he the Defendante the same hath not paid but denys and refuses tho' often required to the plaintiffe's damage thirty pounds and therefore he brings this Suite etc.

<*Defendante's Appearance.*> And the said Defendante Comes and defends the force and Injury when etc. and Saith nothing in Barr or Avoydance of the aforesaid Action of the plaintiffe by which the said plaintiffe against the said Defendante Should remaine undefended. <*Judgment.*> Therefore It is Consider'd that the aforesaid Francis Pugh do recover and have of the said Defendante the said quantity of Seven hundred and fifty pounds of porke with Costs alias Execution.

<*Badham Administrator* v. *Collins. Narratio.*> William Badham Administrator of Thomas Roper deceased comes to prosecute his Suite against Richd. Collins in custody etc. for that the Defendante to witt at Chowan in the Year One thousand Seven hundred and twenty One being indebted to the plaintiffe the Sum of Nineteen pounds ten shillings for an Horse and other things the Defendante bought and received of the said Thomas Roper he the said Richard at Chowan aforesaid on the twenty fourth day of March One thousand Seven hundred twenty one did Assume on himself and promised to pay to the said Thomas Roper his heirs Executors Administrators or Assignes twelve thousand of shingles six inches broad and twenty two inches long and One thousand more two feet and four inches long and Six inches broad to be deliver'd at Yaupim River betwixt James Wards and the head of the River Bridge Yet the Defendante aforesaid his Assumption aforesaid not regarding hath not paid the said thirteen

<363> Thousand of Shingles either to the said Thomas Roper in his life time or to this plaintiffe his Administrator at any time Since but the Same to pay doth deny and refuse (tho' often thereunto required) to the plaintiffe's damage twenty pounds and therefore he brings this Suite etc. And the said Defendante (being Solemnly called) came not.

<*Marshall's returne.*> And the Marshall making returne that he left a Copy of the Writt and declaration at the house of the Defendante according to the direction of an Act of Assembly in that Case made and provided etc.

<*Attachment Granted.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the Estate of the Said Defendante returnable to the next Court thereby to compell him to appear and answer to the suite of the plaintiffe aforesaid.

Palin v. Brooke Case. Return'd Security taken. Discontinued by the plaintiffe.

Parris v. Buffkin Debt. Return'd Security taken. Agreed.

Parris v. Buffkin Case. Return'd Security taken. Agreed.

<*Clayton* v. *Martin. Debt. Narratio.*> Henry Clayton Esq. by Thomas Boyd his Attorney comes to prosecute his Suite against Nathaniel Martin in custody etc. of a plea that the Defendante should render to the plaintiffe the Sum of forty five pounds Current money for that to witt that whereas in and by an Act of Assembly entituled an Act concerning Servants and Slaves ratified at a Biennial Assembly holden at the house of Capt. Richard Sanderson in Little River begun on the Seventeenth day of November One thousand Seven hundred and fifteen and continued by Severall Adjournments till the nineteenth of Janry. following amongst other things It is Enacted that if any person or persons shall harbour or entertain any runaway Servant or Slave above One night he or they So offending shall for every four and twenty hours afterwards forfeit and pay the sum of ten shillings to the Master or Mistress of Such Servant or Slave together with all Costs Losses and damages which the Master or Mistress shall Sustain by reason of Such entertaining or Concealing to be recover'd in any Court of Record within this Government. Now the plaintiffe in fact Sayth that a Negro Man Slave named Harry did run away from him on the twenty eighth day of March last and was brought to the presidents the nineteenth of May following and came to the house of the Defendante on the twentieth day of May last and was by him harbour'd entertained and concealed till the fifteenth day of June being in all twenty six days And further that the plaintiffe was at great Cost and Charges after the said Runaway Slave and particularly gave the Defendante a reward of three pounds and other Charges and Expences was at and also lost his Service during the said twenty Six days by his being concealed Whereby Action hath accrued to the plaintiffe to recover and have of the said Defendante the said ten shillings per day being thirteen pounds and for loss of service twenty six days at five shillings per day the Sum of six pounds ten shillings and for costs and Charges Expended the sum of twenty two pounds in the whole forty five pounds which he the defendante unjustly denyes to the plaintiffe to pay tho' often thereunto required to the plaintiffe's damage forty five pounds and therefore he brings this Suite etc.

<*Defendante's Appearance and plea. Issue Joyn'd.*> And the Said Defendante by Thomas Swann his Attorney comes and defends the force and Injury when etc.

and Saith he is not Guilty in Such manner and form as the plaintiffe hath declared against him and of this he putts himself on the Country and the plaintiffe in like manner.

<*Continued by Consent.*> And hereupon by the Consent of Both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next on the third day of the said Court at the Cost of the plaintiffe.

Jones Executor v. Bernard Case. Discontinued by the plaintiffe.

Jones Executor v. Bell Debt. Return'd Agreed.

<364> <*Gray* v. *Cotton. Appeall.*> John Gray of Bertie precinct Gentleman comes to prosecute his Appeall from certain proceedings had against him at the precinct Court of Bertie on Tuesday the 14th day of May Anno Domini 1723 at the Suite of John Cotton Esq.

And the Said John Grey by Edward Moseley his Attorney brings into Court here a Copy of the Record and proceedings of the said Court in these words Videlicet

Bertie precinct Ss. Att a Court held for the said precinct at the house of Mr. James Howard at Ahotsky on Tuesday the 14th May 1723. Present his Majesty's Justices.

Cotton v. Gray. Detinue. Bertie precinct Ss. George by the Grace of God King of Great Brittain etc. To the provost Marshall or Deputy Greeting etc.

<*Copy Breve.*> Wee Command you to attach the body of John Gray Gentleman if to be found in your precinct So as to have him before Our Justices at Our next Court to be held for the said precinct on the second Tuesday in May next then and there to Answer unto John Cotton Esq. in an Action of Detinue damage forty pounds herein faile not and have You there this Writt Dated at the Clerk's Office this 20th day of february 1723. R. Forster Clericus Curiae Executed per T. Spires Deputy Marshal.

<*Copy Narratio.*> John Cotton Esqr. Complains against John Gray Gentleman in Custody etc. of a plea that he the said Defendante render unto him the said plaintiffe One pattent for Six hundred and forty Acres of Land Scituate lying and being in the precinct of Chowan dated the 30th day of March One thousand Seven hundred and twenty two at the precinct of Bertie aforesaid and hitherto is possessed thereof and doth keep the said Pattent Nevertheless the said Defendante altho' he well knew the said pattent to be the plaintiffe's proper Pattent and by the plaintiffe hath been often required to deliver the same would not the said Pattent but always hath denyed and Still as yet doth deny to deliver it to the plaintiffe to his damage forty pounds and therefore he brings Suite etc. Endors'd I dont detain the Pattent John Gray and Thos. Henaman per plaintiffe.

<*Copy Summons.*> Bertie precinct Ss. George by the Grace of God King of Great Brittaine etc. To the provost Marshall of Albemarle County or Deputy Greeting

Wee Command you to Summons George Wynn personally to be and appear before Our Justices at Our Court to be held for Bertie precinct on the Second Tuesday in May next then and there to testifie the truth according to his knowledge in a certain cause now depending and then and there to be tryed Between John Cotton Esqr. plaintiffe and John Gray Gentleman Defendante on the part of the plaintiffe Subpa. One hundred pounds Dated etc. the 19th febr. 1723.

<*Copy Order. Copy plea. Copy Issue.*> In the Action of Detinue brought by John Cotton plaintiffe against John Gray Defendante for forty Pounds damage for detaining a Pattent belonging to the plaintiffe as by the said Declaration is Sett forth to which Declaration the Defendante pleaded Non Detinet which issue the plaintiffe Joyn'd whereupon a Jury was impannell'd and Sworne to try the same Videlicet John Speir Wm. Pagett Jon. Jones Jon. Rasberry Jacob Lewis Lazarus Thomas James Rutland Robt. Lanier Treddle Keefe Jno. Fannon Jon. Barefield and Charles Jones who after hearing the Evidences and Arguments on both Sides withdrew and in a short time after came again into Court and return'd their Verdict in these words Videlicet Wee of the Jury find to the plaintiffe twenty shillings damages with Costs John Speir Foreman Which Verdict on the plaintiffe's Motion is Order'd to be recorded and is recorded. Whereupon the Defendante prayed an Appeall from the said Judgment which is granted he giving Security as the Law directs and Security was accordingly given. <*Jury Sworne. Copy Verdict.*>

<*Errors Assign'd by the plaintiffe.*> And Saith that in the record and Process aforesaid etc. It is manifestly Erred

First in this that is to Say; Because it doth not appear in the said John Cotton's Declaration that he the Said John Cotton or his Ancestors was everpossessed of the said Pattent in the said Declaration Specified.

2dly: In this also it is Erred because the said Verdict is defective and insufficient not finding any thing certaine.

3dly: In this also it is Erred because the Jury have not formed in their Verdict the value of the thing Suppos'd to be detain'd.

4thly: In this also it is Erred because in the Record of the Proceedings It is Erred that the Defendante prayed one Appeall from the said Judgment which is granted when by the Same record no Judgment to have been given or entred etc.

And for these Causes and others in the said Record, The Judgement given in the same Cause (if any) against the said John Gray and all thereupon depending in form aforesaid Exhibited <365> Is not Sufficient in Law And prayeth that the said Judgment (if any be given) for the Errors aforesaid and others in the record and process aforesaid being be reversed Annulled and utterly holden for none; And that he unto all which by occasion of the Same Judgment (if any be given) he lost he be restored etc. <*Defendante's Appearance.*> And the said John Cotton by Thomas Henman his Attorney aforesaid appear'd and the record and proceedings aforesaid being Seen, and the Errors Argued, And by the Court here diligently Examined and fully understood It Seem'd to the Court here that there is manifest Error in the Same.

<*Judgment.*> Wherefore It is Consider'd and Order'd that the Said John Gray be restored to all that by means of the said proceedings in the said Court against him he hath lost and that the said Proceedings be reversed and annulled and that the said John Cotton pay costs alias Execution.

<*Vaile v. Benbury. Debt qui tam. Narratio.*> Jeremiah Vaile as well for the Church Wardens and Vestry of the Northeast Parish of Chowan Precinct as himself comes by Thomas Swann his Attorney to prosecute his Suite against William Benbury in Custody etc. of a plea that he the said Defendante do render to them

the sum of five pounds Current money of this province which to them he oweth and from them unjustly detaineth, for that whereas by an Act of Assembly made and ratified at Assembly holden at the house of Capt. Richd. Sanderson at Little River begun on the fifteenth day of Novemr. Anno Domini 1715 and continued by Severall Adjournments till the nineteenth day of January following Entituled an Act to appoynt the marking of Horses Cattle and Hoggs and to prevent Injurys being done by killing mismarking driving away or destroying peoples Stocks Amongst other things it is enacted that if any person or persons whatsoever shall drive or chase any Stocks or parcell of Hoggs Horses or Cattell other than his Own from any Land belonging to another person or that shall kill any hoggs or Cattle or drive any Horses other than his own without leave or lycence from the Owner of Such Land Such person so driving or chasing shall forfeit the sum of five pounds one halfe to the Church Wardens and Vestry for the use of the Parrish where such offence shall be done the other half to the Informer to be recover'd by Action of Debt Bill plaint or Information in any Court of Record in this Government wherein no Injunction or Wager of Law Shall be allow'd Nevertheless the aforesaid Defendante the said Act of Assembly not regarding nor the pains of forfeitures and penalties in the same any ways fearing or minding on or about the fifteenth day of November in the Year of Our Lord One thousand Seven hundred and twenty one at the precinct of Chowan did kill One hogg which was not his Own upon the Land of the aforesaid plaintiffe without leave first had and obtained from him the said plaintiffe and in Contempt of the aforesaid Act of Assembly By pretext where of Action hath accrued to the plaintiffe and Church Wardens and Vestry for the use of the parish aforesaid to have of the said Defendante the forfeiture of five Pounds Yet the said Defendante the said Sum of five Pounds to the said plaintiffe Church Wardens and Vestry for the uses aforesaid hath not paid nor them in any manner contented but that to do altogether refuses and Still doth refuse to their damage ten pounds and thereupon this Suite is brought etc.

<*Marshall's returne.*> And the said Defendante (being Solemnly required) came not nor did the Marshall make returne of Bond or Security taken for the said Defendantes Appearance as by Law he ought to have done Wherefore It was put to the plaintiffe's Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making Choice of an Order against the Marshall.

<*Order* v. *Marshall.*> It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be Confirm'd against the said Marshall for the aforesaid Debt and Costs.

<366> <*Attachment* v. *Defendante's Estate.*> Whereupon the Marshall prayed an Attachment against the Estate of the aforesayd Defendante for the Debt and Costs aforesaid So as to compell him to appear etc. Which is Granted.

<*Pettiver and Uxor Guardian* v. *Clayton Executor. Narratio.*> John Pettiver and Ann his Wife Guardian and Trustee for Isaac Willson of Perquimons Precinct complains against Henry Clayton Esq. Executor of the last will and Testament

of Basil Sanderson late of this province deceased of a plea that the said Defendante render unto the said plaintiffe the full Quantity of One hundred twenty six Gallons and a quarter of Rum which was the Proceeds of four barrells of porke Ship't by the said Ann on the Account of the said Isaac on board the Sloop Jack of all Trades the said Basil Sanderson Master bound for Antigua as by an Account thereof under the hand of the said Basil here in Court Produced which the said Basil in his life time did not deliver to the said plaintiffe nor Since his death hath the said Henry deliver'd the Same altho' often thereunto requested to the plaintiffe's damage Sixty three pounds Current money of this province and therefore they bring this Suite etc. <*Defendante's Appearance and plea.*> And the Said Defendante in his Own proper person comes and confesses that by Virtue of the Executorship aforesaid he hath received Severall Sums of Money on Account of the said Basil Sanderson but Since the receipts thereof he hath been advised that the said moneys were the Effects of other Men and not Assetts of Sanderson. <*Referr'd to the Court by Consent.*> Whereupon the plaintiffe and Defendante aforesaid by Consent referr'd the matter to the Court Who are of Opinion That what Moneys he has received by Virtue of his being Executor to the said Sanderson's Will are Assetts in his hands to discharge the Said Debt. <*Judgment.*> It is therefore Consider'd that the said plaintiffe's do recover and have of the said Defendánte the Sum of twenty Eight Pounds twelve shillings which by the Court here and by the Consent of both Parties is adjudg'd to be value of the aforesaid Rum. <*Satisfaction made July 16th. 1724 Testis W. B. Clericus Curiae Generalae.*>

Lysle v. Jones Executors Case return'd Executed. Agreed.

Betterley v. Peirce Debt return'd Executed. Retraxit.

Parris v. Stoneham Case. Return'd Satisfaction made.

<*Parris* v. *Wicks. Debt. Narratio.*> Thomas Parris by Thomas Henman his Attorney comes to prosecute his Suite against Robert Wicks in custody etc. of a plea that the said Defendante should render to him the said plaintiffe the sum of Seven pounds five shillings which to him he oweth and from him unjustly detaineth the Same being due by his Bill or Writing Obligatory dated the thirteenth day of June One thousand Seven hundred and twenty three at the precinct of Chowan payable to the plaintiffe and here in Court Produced etc. And the Said Defendante (being Solemnly called) Came not.

<*Marshall's returne.*> Whereupon the Marshall offer'd James Palin Security for the said Robert Wicks as by the baile Bond here in Court produced appeareth. And the plaintiffe aforesaid was putt to his Choyce either to have an Order against the security with Stay of Execution till the next Court; Or an Attachment against the Defendante's Estate.

<*Judgment* v. *Security with stay etc.*> And the plaintiffe aforesaid making choyce of an Order against the security Judgement is therefore Granted against James Palin Security as aforesaid for the aforesaid Debt and Costs with Stay of Execution till the next Court on the last Tuesday in October next.

<*Security* v. *Wicks. Attachment.*> Whereupon the Said James Palin prayed an Attachment against the Estate of Robert Wicks aforesaid for the Debt damages and Costs aforesaid So as to compell him to appear at the next Court on the last Tuesday in October next to answer to the aforesaid plaintiffe Which was granted.

<367> <*Palin* v. *Stoneham. Case. Narratio.*> James Palin by Edward Moseley his Attorney comes to prosecute his Suite against Thomas Stoneham in custody etc. of a plea that he the said Defendante should render unto him the said plaintiffe the sum of Six pounds which to him he oweth and from him unjustly detaineth the Same being due part by Bill dated the fourteenth day of february One thousand Seven hundred and twenty two and the remainder being thirty one shillings and Nine pence by Account which Bill and Account are here in Court produced etc. And the said Defendante (being Solemnly called) came not.

<*Marshall's returne.*> Whereupon the Marshall produced Patrick Ogilby and Christian Heidelbergh Securitys for the said Defendante as by the Baile Bond here in Court produced appeareth. And the plaintiffe being putt to his choyce either to have an Order against the Security with Stay of Execution till the next Court or an Attachment against the Defendante's Estate made Choice of an Order against the Securitys.

<*Order* v. *Security.*> Judgment is therefore Granted against the said Patrick Ogilby and Christian Heidelbergh Securitys as aforesaid for the aforesaid Debt and Costs with Stay of Execution till the next Court on the last Tuesday in October next.

<*Security* v. *Stoneham. Attachment.*> Whereupon the said Securitys prayed an Attachment against the Estate of the Said Defendante for the Debt and Costs aforesaid So as to compell him to appear and answer etc. Which was granted.

Palin v. Young Case. Return'd. Satisfaction made.

<*Swann* v. *Price. Debt. Narratio.*> Thomas Swann by Thomas Boyd his Attorney comes to prosecute his Suite against Rice Price in custody of the Marshall etc. of a plea that he render unto him the said plaintiffe the sum of five pounds which he oweth an unjustly detaineth etc. the Same being due by Bill under the Defendante's hand Dated the twenty eighth day of July One thousand Seven hundred and twenty one and here in Court produced etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly called) came not; Whereupon the Marshall produced Martin Frank Security for the said Defendante as by the Baile Bond here in Court produced appeareth; And the plaintiffe being putt to his Choyce either to have an Order against the Security with Stay of Execution till the next Court or an Attachment against the Defendante's Estate made choyce of an Order against the security.

<*Order* v. *Security.*> Judgment is therefore Granted against the said Martin Frank Security as aforesaid for the aforesaid Debt and Costs with Stay of Execution till the next Court on the last Tuesday in October next.

<*Security* v. *price. Attachment.*> Whereupon the said Martin prayed an Attachment against the Estate of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Court and answer to the suite of the plaintiffe. Which was granted.

<*Blount* v. *Davis. Account render. Narratio.*> John Blount of Albemarle County Gentleman by Thomas Boyd his Attorney comes to prosecute his Action of Account render against Thomas Davis of Hyde precinct in Bath County Planter And Whereupon the said plaintiffe by his Attorney Complaines that whereas the aforesaid Thomas was Bailiff of the said John from the fifth day of August in the Year One thousand Seven hundred and nineteen untill the first day of September

in the Year One thousand Seven hundred twenty one and by the same time had and received of moneys of him the said plaintiffe the Sum of thirty one pounds current money to dispose of and lay out to the best advantage and greatest profitt in purchasing Cows and Calves (to run, continue, be and breed on the plantation the said Davis now dwells upon in Matchapungo called Goshen belonging to the said John Blount) for the proper use and benefitt of him the said Blount and to render a reasonable <368> Account to the plaintiffe of the time Issues profitts and moneys aforesaid when he should be thereunto required Yet the said Thomas Davis altho' often required hath not yet rendered his reasonable Account to the plaintiffe of the time Issues profitts and moneys aforesaid but hitherto hath denyed to render to him the Same and yet doth deny Whereupon he saith he is damified and damage hath Seventy Pounds current money and hereof this Suite is produced etc.

<*Defendantes Appearance and plea.*> And the Said Defendante by Edwd. Moseley his Attorney comes and defends the force and Injury when etc. And Saith the plaintiffe his Action aforesaid ought not to have etc. because he Sayth that at the aforesaid time in which it is Supposed him the Said Defendante to have been Bailiff to the plaintiffe did receive of the plaintiffe the Sum of thirty pounds to buy Cows to be as a Stock of Cattle on the Land of the plaintiffe called Goshen; And for the Defendante's Care of the Said Stock he was to be allowed every fourth Calfe during the term of Seven Years commencing from the third day of Novembr. One thousand Seven hundred and eighteen during which term of Seven Years the said Defendante was to have the care and Administration of the plaintiffe's plantation called Goshen and the Stock aforesaid; And the said Defendante Saith that with the Sum of twenty eight pounds part of the aforesaid thirty pounds he did on or about the first of May One thousand Seven hundred and twenty and long before the bringing this Writt purchase eight Cowes and Calves and caused them to be drove to and deliver'd on the Said plantation called Goshen for the Uses and purposes aforesaid and that on the Said twentieth day of May at Bath County by the Command and Appoyntment of the aforesaid plaintiffe he paid and deliver'd to [*blank*] Scot the Sum of forty shillings by reason whereof he desireth to be disburthened thereof and that he may thereof likewise be discharg'd: Without this that the Same Defendante was Bailiff of the said plaintiffe to buy Cowes and Calves with the aforesaid Thirty pounds for the proper use and benefitt of the said plaintiffe as in his Declaration he hath Supposed and this he is ready to verifie and therefore prayes Judgment etc. <*Continued by Consent.*> And here upon by the Consent of both parties the said Cause is putt in respite untill the next Court on the last Tuesday in October next.

<*Shute Assignee* v. *Miller. Debt. Narratio.*> Gyles Shute Esq. Assignee of Jehosaphat Hallands by Thomas Boyd his Attorney comes to prosecute his Suite against Jacob Miller of Bath County in Craven Precinct planter and Whereupon the said Gyles by his Attorney aforesaid Saith that whereas the aforesaid Jacob the twenty fifth day February in the Year of Our Lord One thousand Seven hundred and twenty by his certain Writing Obligatory did grant himself to be bound unto the same Jehosaphat Hallands in the aforesaid Sixty one pounds of current moneys of Great Brittain or Sixty one barrells of good Merchantable

pitch for the which payment well and truly to be made to the abovesaid Jehosaphat Hallands or to his certain Attorney heirs Executors Administrators or Assignes (whose Assignee the aforesaid Gyles Shute in fact saith he is) the aforesaid Jacob did bind himself his heirs Executors Administrators by the same writing Notwithstanding the aforesaid Jacob the aforesaid Sixty one pounds of current moneys of Great Brittain or Sixty one barrells of Good merchantable pitch to the Same Jehosaphat nor to the aforesaid Gyles his Assignee altho' by them often demanded the said Sixty one pounds hath not as yet rendred it but the same hitherto hath denyed to pay and as yet denyeth or the sixty one barrells of good merchantable pitch aforesaid to be deliver'd but the same doth unjustly detaine Whereupon the said Gyles Sayth that he is damnified and damage hath to the value of Sixty one pounds current money of Great Brittain and thereof he brings this Suite etc. and he bringeth here into Court the writing aforesaid Signed with the proper hand and Sealed with the Seale of the said Jacob which testifie the debt aforesaid in forme aforesaid etc.

<*Marshall's returne.*> And the Said Defendante being Solemnly called came not; Whereupon the Marshall offer'd Martin Frank Security as by the Baile Bond here in Court produced appeareth, And the said plaintiffe being putt to his Choyce either to have an Order against the Security with Stay of Execution till next Court or An Attachment against the Defendante's Estate made choyce of an Order against the Marshall. Judgment is therefore Granted against the said Martin Frank for the aforesaid Debt and Costs with Stay of Execution till the next Court on the last Tuesday in October next. <*Order* v. *Security.*>

<*Security* v. *Miller. Attachment.*> Whereupon the said Martin Frank prayed an Attachment against the Estate of the aforesaid Jacob Miller for the Debt damages and Costs aforesaid So as to compell him to appear at the next Court on the last Tuesday in October next and answer the aforesaid plaintiffe Which was granted.

<369> <*Shute Assignee* v. *Handcock Junior. Debt. Narratio.*> Gyles Shute Esqr. Assignee of Jahosaphatt Hallands by Thomas Boyd his Attorney comes to prosecute his Suite against William Handcock Junior of Craven precinct And whereupon the said Giles by his Attorney aforesaid Saith that Whereas the aforesaid William the twentyeth day of February in the Year of Our Lord One Thousand Seven hundred and twenty by his certain writing Obligatory did grant himself to be bound unto the Same Jehosaphat Hallands in the aforesaid two hundred and twenty four pounds and fourteen Shillings for which payment to be made and performed to the aforesaid Jehosaphat Hallands his certain Attorney heirs or Assignes (whose Assignee the aforesaid Gyles in fact Saith he is) the aforesaid William did bind himself his heirs Executors and Administrators by the same writing Notwithstanding the aforesaid William the aforesaid two hundred and twenty four pounds fourteen shillings to the same Jehosaphat nor to the aforesaid Gyles his Assignee altho' by them often demanded he hath not as Yet rendred it but the Same hath hitherto denyed to pay and as yet denyeth Whereupon the said Gyles Saith that he is damnifyed and damage hath to the Value of two hundred twenty four pounds fourteen Shillings of the like money and thereof he brings this Suite etc. and he bringeth here into Court the Writing aforesaid Signed

with the proper hand and Sealed with the Seale of the said William which testify the Debt aforesaid etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly required) came not Whereupon the Marshall produced Martin Frank and Robert Bond Securitys for the Defendante as by the Bond here in Court appeareth; And the plaintiffe being putt to his choyce either to have an Order against the securitys with stay of Execution till the next Court or an Attachment against the Defendante's Estate; made choyce of an Order against the Securitys: <*Order* v. *Security*> Judgment is therefore Granted against the said Securitys for the Debt aforesaid and Costs with Stay of Execution till the next Court on the last Tuesday in October next. <*Security* v. *Handcock Junior. Attachment.*> Whereupon the said Securitys prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Court to answer to the suite of the plaintiffe. Which was granted.

<*Harrys* v. *Handcock Junior. Case. Narratio.*> Thomas Harrys late Clerk of Craven precinct Court in Bath County by Thomas Boyd his Attorney comes to prosecute his Suite against William Handcock Junior of Craven precinct in custody etc. of a plea of the Case etc. for that whereas the said Wm. on or about the twenty fifth day of May in the year One thousand Seven hundred twenty three at Bath County aforesaid was indebted to the said Thos. in the full Sum of forty Seven pounds Seventeen shillings and ten pence in Current money of this province for Clarks fees moneys lent and Sundry wares goods and merchandizes to the said William by the said Thos. at the speciall instance and request of the said Wm. then and before that time lent Sold and deliver'd as by an Account of the particulars thereof in Court produced doth appear In Consideration whereof he the said William afterwards to witt the same day and Year at Bath County aforesaid assumed upon himself and to the said Thos. then and there faithfully promised that he the said Wm. the aforesaid forty seven pounds Seventeen Shillings and tenpence to the said Thomas when he should be thereto requested would well and faithfully pay and content; Yet the aforesaid Wm. little regarding his promise and assumption aforesaid but deceitfully and fraudulently intending the said Thos. in this part craftily and Subtilly to deceive and defraud of the aforesaid forty Seven pounds Seventeen shillings and tenpence hath not as yet paid but hitherto hath refused and Still doth refuse to pay the same to the said Thomas or otherwise to Satisfie and Content him altho' often thereunto required Whereupon the Said Thos. Saith he is damnified and damage hath to the value of One hundred Pounds of the Like money and thereof this his Suite is produced etc. And the Said Defendante (being Solemnly called) came not. <*Marshall's returne.*> Whereupon the Marshall produced John Humviell Security for the Defendante as by the Bond here in Court appeareth. And the said Plaintiffe being putt to his Choyce either to have an Order against the Security with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; made choyce of an Order against the Security. <*Order* v. *Security.*> Judgment is therefore granted against the said Security for the aforesaid Debt and Costs with Stay of Execution till the next Court on the last Tuesday in October next.

<*Security* v. *Handcock Junior. Attachment.*> Whereupon the said Security prayed an Attachment against the Estate of the aforesaid Defendante for the

Debt and Costs aforesaid So as to compell him to appear at the next Court on the last Tuesday in October next. Which is granted.

<370> <*Harrys* v. *Handcock Junior Executor. Narratio.*> Thomas Harrys by Thomas Boyd his Attorney comes to prosecute his Suite against William Handcock Junior of Craven precinct Executor of the last Will and Testament of Isaac Bronnson deceas'd in custody etc. of a plea that he render him thirty Six pounds current money which he unjustly detaines etc. for that to witt because whereas the aforesaid Isaac in his life time to witt upon the third day of May in the Year One thousand Seven hundred and eighteen by his certain Writing Obligatory Sign'd with the proper hand of the said Isaac which is here in Court produced whose date is the day and Year aforesaid did grant himself to be bound to him the said Thomas in the aforesaid Sum of thirty Six pounds to be paid when he should be thereunto requested; Yet the aforesaid Isaac in his life time or the aforesaid Wm. after the death of the said Isaac tho' often thereunto required the aforesaid Sum of thirty Six pounds to the said Thomas have not paid nor hath either of them paid the Same but that to do to the aforesaid Thos. the aforesaid Isaac in his lifetime and the aforesaid William after the death of the same Isaac hitherto to pay altogether have gainsayed and refused and the aforesaid William the Same to the said Thos. as yet doth refuse to pay and unjustly detaines to the damage of the said Thomas thirty Six pounds of like money and thereof he produces this Suite etc.

<*Marshall's returne.*> And the said Defendante (being Solemnly required) came not. Whereupon the Marshall produced Willm. Willson Security for the said Defendante as by the Bond here in Court appeareth; And the plaintiffe aforesaid being putt to his choyce either to have an Order against the Security with Stay of Execution till the next Court Or an Attachment against the defendante's Estate, made choyce of an Order against the Security. <*Order* v. *Security.*> Judgment is therefore granted against the Said Wm. Willson Security as aforesaid for the debt and Costs aforesaid with Stay of Execution till the next Court on the last Tuesday in October next. <*Security* v. *Handcock Executor. Attachment.*> Whereupon the said Security prayed an Attachment against the Estate of the Defendante aforesaid for the Debt and Costs aforesaid So as to compell him to appear etc. at the next Court; Which was granted.

<*Harrys* v. *Sheppard. Debt. Narratio.*> Thomas Harrys by Thomas Boyd his Attorney comes to prosecute his Suite against Martin Sheppard of Craven precinct in custody etc. of a plea that he render the plaintiffe the full and Just Sum of ten pounds current money of this province which he oweth him and unjustly detaineth etc. the Same being due by a Bill or Note in Writing under the Defendante's hand dated the twenty sixth day of June One thousand Seven hundred and twenty two and here in Court produced etc. And the Said Defendante being Solemnly required, came not.

<*Marshall's returne.*> And the return of Writt made by James Robins Provost Marshall of Bath County being (non est inventus)

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that the said Marshall do Attach the Goods and Chattells of the Said Defendante So as to compell him to appear at the next Court on the last Tuesday in October next to answer the said plaintiffe in the plea aforesaid.

<*Harrys* v. *Miller. Case. Narratio.*> Thomas Harrys by Thomas Boyd his Attorney comes to prosecute his Suite against Jacob Miller of Craven precinct in custody etc. of a plea upon the Case etc. for that whereas the said Jacob upon the Seventh day of June in the Year One thousand Seven hundred twenty three at Bath County was indebted to the said Thos. in the full Sum of twenty Seven pounds thirteen shillings current money of this Province for the Ballance of a former Account for Sundry goods wares and merchandizes and for money lent to the said Jacob by the said Thomas at the Speciall instance and request of the said Jacob before that time deliver'd as by an Account thereof in Court produced doth appeare. In Consideration whereof he the said Jacob afterwards to witt the same day and Year at Bath County aforesaid assumed upon himself and to the said Thomas then and there faithfully promised that he the said Jacob the aforesaid twenty seven pounds thirteen shillings to the said Thos. when he should be thereto required would well and faithfully pay and Content; Yet the aforesaid Jacob little regarding his promise aforesaid but deceitfully and fraudulently intending the said Thos. in this part craftily and Subtilly to deceive and defraud of the twenty Seven pounds thirteen Shillings aforesaid hath not as yet paid the same to the said Thos. but hitherto hath refused and yet doth refuse etc. to the damage of the said Thos. thirty pounds Current money and thereof he produces Suite etc. And the Defendante being Solemnly required came not. <*Marshall's returne.*> And the Marshall of Bath County having return'd the Writt Executed on the body of the said Defendante.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the goods and Chattells of the said Defendante returnable to the next Court on the last Tuesday in October next thereby to compell him to appear and answer to the suite of the plaintiffe aforesaid.

<371> <*Harrys* v. *Ilee. Case. Narratio.*> Thomas Harrys of Bath County by Thomas Boyd his Attorney comes to prosecute his Suite against Nicholas Ilee of Craven Precinct planter in Custody etc. of a plea upon the Case for that whereas the said Nicholas on or about the Sixteenth day of January in the Year One thousand Seven hundred and twenty two at Bath County aforesaid was indebted to the said Thomas in the full sum of twenty four pounds Six shillings and Seven pence current money etc. for sundry Goods wares and Merchandizes and for money Lent to the Said Nicholas by the said Thos. at the Speciall Instance and request of the said Nicholas then and before that time lent Sold and deliver'd as by an Account of particulars in Court produced doth appear In Consideration whereof he the said Nicholas Ilee afterwards to witt the same day and Year at Bath County aforesaid assumed upon himself and to the said Thomas then and there faithfully promised that he the said Nicholas the aforesaid twenty four pounds six shillings and Seven pence to the said Thomas when he should be thereto requested would well and faithfully pay and Content. Yet the aforesaid Nicholas little regarding his promise and assumption aforesaid but deceitfully and fraudulently intending the said Thomas in this part craftily and Subtilly to deceive and defraud of the aforesaid twenty four pounds Six shillings and Seven pence hath not as yet paid the Same to the said Thomas Harrys but hitherto hath refused and yet doth refuse to pay the Same to the said Thomas or otherwise to satisfie and content him altho'

often required Whereupon the said Thos. damage hath to the value of fifty pounds like money and thereof this Suite is produced etc.

<*Marshall's returne.*> And the Said Defendante (being Solemnly required) came not. And the Marshall's returne being that he had left a Copy of the Writt and Declaration at the house of the Defendante According to the direction of the Act of Assembly in that Case made etc.

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment do issue against the Goods and Chattells of the said Defendante thereby to compell him to appear at the next Court to answer to the suite of the plaintiffe aforesaid.

<*Harrys Assignee* v. *Gatlin Executor. Narratio.*> Thomas Harrys Assignee of James Keith Assignee of Thomas Lewis of Bath County by Thomas Boyd his Attorney comes to prosecute his Suite against John Gatlin of Bath County planter Executor of the last Will and Testament of William Mitchell in custody etc. of a plea that he render to him to full and Just Sum of twenty pounds current money of this province which he unjustly detaines etc. for that to witt because whereas the aforesaid William in his lifetime Videlicet the twelfth day of July in the Year One thousand Seven hundred twenty two by his certain writing Obligatory sign'd with the proper hand of the said William in his life time here in Court produced dated the same day and Year did grant himself to be bound to the aforesaid Thos. Lewis his heires or Order (whose Order the aforesaid James Keith was whose Assignee the plaintiffe in fact saith he is) in the aforesaid Sum of twenty pounds to be paid by the twelfth day of Decemr. next ensuing the date thereof aforesaid. Yet the aforesaid Wm. in his life time or the aforesaid John after the death of the said Wm. altho' often thereunto required the aforesaid Sum of twenty pounds to the said Thos. Lewis or to the said James Keith his Order nor to the said Thos. Harrys his Assignee have not paid nor hath either of them paid the same but that to do to the aforesaid Thomas Lewis James Keith his Order or to the plaintiffe his Assignee the aforesaid William in his life time and the aforesaid John after the death of the said William hitherto to pay alltogether have gainsayed and refused and the aforesaid John the same to the said Thos. Harrys as yet doth refuse to pay and unjustly detaines to the dammage of the Said Thos. thirty pounds and thereof he produces Suite etc. And the Said Defendante (being Solemnly called) came not; <*Marshall's returne*> and the Marshall having return'd the Writt Executed on the body of the Defendante <*Attachment*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the goods and Chattells of the Said Defendante returnable to the next Court on the last Tuesday in October next thereby to compell him to appear and answer to the suite of the plaintiffe aforesaid.

Rolfe v. Henderson Administrator Debt. Return'd Executed and is discontinued by the plaintiffe.

<372> <*Harrys* v. *Harvey and Uxor Administrators. Narratio.*> Thomas Harrys by Thomas Boyd his Attorney comes to prosecute his Suite against Richard Harvey Junior of Bath County planter and Ann his Wife Administrators of William Stone late of Craven precinct in Bath County aforesaid in custody etc. of a plea that they render him the full and Just Sum of sixty Pounds Sterling money

which they unjustly detaine etc. for that to witt because whereas the aforesaid William Stone in his life time Videlicet on the twenty third day of February in the Year of Our Lord One thousand Seven hundred and nineteen by his certain Writing Obligatory Signed with the proper hand and Sealed with the Seale of the said Wm. in his life time which is here in Court produced dated the same day and Year did grant himself to be bound to the said Thomas Harrys in the Sum of Sixty pounds Sterling money to which payment well and truly to be made and done to the Said Thos. Harrys his heirs Executors Administrators and Assignes the aforesaid Wm. Stone did thereby bind himself his heirs Executors and Administrators by the same Writing. Yet the aforesaid Wm. in his life time or the said Richd. and Ann Since their Intermarriage or the aforesaid Ann after the death of the said Wm. whilst Widow and Sole tho' often thereunto required the aforesaid Sum of Sixty pounds Sterling money to the said Thomas Harrys have not paid nor hath either of them paid the Same but that to do to the aforesaid Thos. the aforesaid Wm. in his Life time and the aforesaid Ann after his death whilst Widdow and Sole and the aforesaid Richd. and Anne Since their Intermarriage hitherto to pay alltogether have gainsayed and refused, And the aforesaid Richd. and Ann the Same to the said Thomas as yet doth refuse to pay and unjustly detaines to the damage of the said Thos. Sixty pounds Sterling money and thereof produces this Suite etc.

<*Marshall's returne.*> And the said Defendante (being Solemnly required) came not, nor did the Marshall make returne of Bond or Security taken for the said Defendante's Appearance as by Law he Ought to have done.

And the plaintiffe aforesaid being putt to his Choyce either to have an Order against the Marshall with stay of Execution till the next Court; Or an Attachment against the Defendante's Estate; made choyce of an Attachment against the Defendante's Estate. <*Attachment.*> It is therefore Granted that an Attachment be issued against the Estate of the said Defendante's So as to compell them to appear at the next Court on the last Tuesday in October to answer to the Suite of the aforesaid plaintiffe.

<*Brock* v. *Smiths. Originall Attachment. Narratio.*> Peter Brock by Edwd. Moseley his Attorney comes to prosecute his Suite against William Smith and John Smith of Pasquotank precinct Carpenters in a plea of the Case. And the said plaintiffe by his Said Attorney complaines that Whereas the said plaintiffe on the twenty Sixth day of January One thousand Seven hundred and twenty two at Pasquotank at the Speciall Instance and request of them the said Defendante's Sold and deliver'd to them the said Defendante's divers goods Wares and Merchandizes to the value of Seventy Six pounds Sterling money a particular Account whereof is filed in Court and herewith produced and the said Defendante's Joyntly and Severally then and there Videlicet on the twenty sixth of Janry. One thousand Seven hundred and twenty two at pasquotank aforesaid on themselves Joyntly and Severally did assume and to the said plaintiffe then and there faithfully promise that the aforesaid Sum of Seventy Six pounds Sterling to the plaintiffe would well and truly content and pay when thereunto required. Nevertheless the aforesaid Defendante's their promise and Assumption aforesaid in manner and forme aforesaid made little regarding but fraudulently intending the said

plaintiffe in that behalfe to deceive and defraud the aforesaid Seventy Six pounds Sterling have not paid but refuse to pay altho' often requested and Still doth refuse to the plaintiffe's damage Seventy Six pounds Sterling And thereupon this Suite is produced etc.

<*Defendante's Appearance and plea.*> And the aforesaid Defendante's by Thomas Swann their Attorney comes and defends the force and Injury when etc. And Saith that for the manifold insufficiencys in the plaintiffe's Prosecution of his Attachment they these Defendante's cannot neither by the Law of the Land are they bound to make answer thereunto but have good cause of Demurrer and thereupon Assignes these Subsequent reasons. First in this for that it doth not appear by the returne of the Attachment how much of the Goods of the Defendante's and of what value were attach't So that the Defendante's could not know what pledges and Suretys to have given for the redemption of their Goods. Secondly they say that the plaintiffe at the time of Levying his Said Attachment did not give or leave Notice when and where and to what Court they should appear for to replevin their Goods. Thirdly they Say <373> That the plaintiffe did not Serve the Defendante's with a Copy of his Complaint or Declaration ten days before the Sitting of the Said Court whereby the Defendante's might know for what Sum the plaintiffe declared for; or whether the Cause of Action arose within the Jurisdiction of this Court or the time when whereby it might appear to the Court whether he had commenced and prosecuted his said Suite in Time as by Law is limited:

Whereupon they pray Judgment if the plaintiffe aforesaid his Attachment aforesaid by the Law of the Land he ought to have and maintaine etc.

<*Demurrer Joyn'd and Overuled.*> Which Demurrer being Joyn'd by the plaintiffe and the Arguments on both Sides heard and by the Court here duly Consider'd It is thereupon Order'd that the said Demurrer be over ruled And hereupon by the Consent of both party's the said Cause is putt in respite untill the next Court on the last Tuesday in October next on the third day of the said Court. <*Contd. by Consent.*>

<*Brock* v. *Smith. Originall Attachment. Narratio.*> Peter Brock Marriner by Daniel Richardson his Attorney comes to prosecute an Originall Attachment against William Smith and John Smith both of the precinct of Pasquotank in the County of Albemarle in the Province aforesaid Ship Carpenters in custody etc. for that whereas the said Peter Brock on or about the tenth day of December Anno Domini One thousand Seven hundred and twenty two was and yet is Master of the Ship or Vessell called the Prosperous Galley at Pasquotank aforesaid did agree that for and in Consideration the aforesaid Defendante's should and would pull to peices and rebuild the said Ship or vessell according to their Agreement with all reasonable Expedition that then and in Such case he would allow pay and Satisfie to the Defendante's upon finishing and compleating the rebuilding the said Ship or Vessell and fully performing the said Agreement after the rate of Six shillings for each day they Should labour and work upon the said Ship or vessell in pulling her to peices and rebuilding of her according to their Agreement. And the plaintiffe further Sayth the Defendante's upon the making of the said Agreement for being allowed paid and Satisfied the said Six shillings for each day they should So labour and work according to agreement did faithfully promise

and on themselves did assume to pull to peices the Said Ship or Vessell according to Agreement Videlicet that they the Defendante's would pull to peices and rebuild the said Ship or Vessell at the rate abovesaid nor to leave the work untill she was rebuilded and fitted up fitt for a Voyage to Sea and not to work for any other person or neglect one days work Sickness only excepted. And also Sayth that the Defendante's did pull to peices the Said Ship or Vessell but refused and denyed to rebuild the said ship or Vessell or to worke on her Notwithstanding their aforesaid promise Assumption and Agreement tho' they had been often requested thereunto whereby the plaintiffe Says he is detrimented and has damage to the Value of One thousand Pounds Sterling money of Great Brittaine and thereupon he brings this Suite etc.

<*Defendante's Appearance and plea.*> And the aforesaid Defendante's by Thomas Swann their Attorney comes and defends the force and injury when etc. and Saith that for the manifold insufficiencies in the plaintiffe's prosecution of his Attachment they these Defendante's cannot neither by the Law of the Land are they bound to make answer thereunto but have good cause of Demurrer and thereupon Assignes these Subsequent reasons, First in this for that it doth not appear by the returne of the Attachment how much of the Goods of the Defendante's and of what value were Attached So that the Defendantes could not know what pledges and Sureties to have given for the redemption of their Goods: Secondly they Say that the plaintiffe did not Serve the Defendante's with a Copy of his Complaint or Declaration ten days before the Sitting of the said Court whereby the Defendante's might know for what Sum the plaintiffe declared for or whether the cause of Action arose within the Jurisdiction of this Court or the time when whereby it might appear to the Court whether he had commenced and prosecuted his Said Suite in time as by Law is limited: Whereupon they pray Judgment If the plaintiffe aforesaid his Attachment aforesaid by the Law of the Land he ought to have and maintaine etc. <*Demurrer is Joyn'd.*> Which Demurrer being Joyn'd by the plaintiffe and the Arguments on both Sides heard and by the Court here duly Consider'd <*Overuled*> It is thereupon Order'd that the said Demurrer be Over ruled; <*Contd. by Consent*> And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in October next on the third day of the said Court. <374> Stones v. Bryant Attachment Executed per Dav. Atkins Constable. Discontinued by the plaintiffe.

<*Morgan* v. *Relfe. Appeal.*> The Appeall brought by Robert Morgan in Avoydance of a Judgment and to reverse a Verdict found against him at the precinct Court of pasquotank held in July One thousand Seven hundred and twenty three at the Suite of John Relfe is by consent of both partys putt in respite untill the next Court on the last Tuesday in October next on the third day of the said Court. <*Contd. by Consent.*>

<*Bell* v. *Jones. Appeall.*> The Appeall brought by James Bell in Avoydance of a Judgment and to reverse a Verdict found against him at the precinct Court of Pasquotank held in July One thousand Seven hundred and twenty three at the Suite of Henry Jones is by Consent of both partys putt in respite untill the next Court on the last Tuesday in October next on the third day of the said Court. <*Cont. by Consent.*>

<*Ryordane* v. *Dauge. Appeall.*> The Appeall brought by Dennis Ryordane in Avoydance of a Judgment and to reverse a Verdict found against him at the precinct Court of Curratuck held in July One thousand Seven hundred and twenty three in an Action of Trover and Conversion brought by him against Richard Dauge is by the Consent of both partys putt in respite untill the next Court on the last Tuesday in October next on the third day of the Said Court. <*Cont. by Consent.*>

<*Williams* v. *White. Covenant. Narratio.*> Thomas Williams by Thomas Swann his Attorney comes to prosecute his Suite against Josiah White of the precinct of Curratuck of a plea that he hold Covenant to him Between them made according to the force forme and Effect of a certain written Deed between them made etc. And whereupon the said Thos. by his Attorney aforesaid Sayth that Whereas by a certain Written Deed made at Curratuck the fourteenth day of May One thousand Seven hundred and twenty two Between him the said plaintiffe of the One part and the said Defendante of the other part which part Signed with the proper hand of the Said Defendante the aforesaid plaintiffe bringeth here into Court the date whereof is the Same day and Year it is testifyed that whereas the said plaintiffe had Sold unto the Defendante the Land and all the stock that was therein being on the Sand Banks (Except One Cow and Yearling called Fillpaile) and also all the Goods that was appraised of John Bailes and the said Defendante for fifty pounds to be paid as followeth that is to say twenty five pounds in Bills of Credit to be paid at or before the last day of October next ensuing the date of the same writing and the other twenty five pounds to be paid at or before that day twelvemonth in good Sound merchantable Beef well Salted in tight barrells weight in each barrell tallow at four pence per pound and dry hide at three pence per pound the Beef at twenty five shillings per barrell the said Defendante to have the increase of the said Stock and the said Defendante did then and there bind over the said Land Stock and Goods to him the said plaintiffe for his Security under the penalty of One hundred pounds Sterling money if the said Defendante did not pay the fifty Pounds according to the Words abovewritten and he the said Defendante was to kill one beast out of the said Stock that Year and no more; But if the said Defendante did pay the twenty five pounds in Bills of Credit According to the words in the same Writing Specifyed then for the last Year to kill as many Cattle out of the said Stock as will pay the last twenty five pounds: And it is further Covenanted and Agreed upon by the said plaintiffe and defendante that if the said Defendante should faile and did not make the first payment According to the words of the same Writing then the Defendante was to deliver up all the Goods Land and Stock with their increase unto the plaintiffe again upon Demand as in and by the same Written Deed here in Court produced it may more fully and at large appear: Yet Nevertheless his Covenant promise and agreement aforesaid hath not kept but the Same hath Broke; the same twenty five pounds in Bills of Creditt hath not paid according to the form and effect of the Writing aforesaid nor the said Land Stock and Goods hath not deliver'd up to the plaintiffe again altho' often demanded but the same Land Stock and Goods to the plaintiffe hath denyed to deliver and Still doth deny. Whereupon the plaintiffe sayth he is damnyfied One hundred and fifty pounds Current money of this province and therefore this his Suite is produced etc. And

the said Defendante (being Solemnly called) came not; And the Marshall's returne being that he left a Copy of the Writt etc. according to the direction of an Act of Assembly in that case made etc. <*Marshall's returne.*>

<*Attachment.*> It is therefore Granted at the plaintiffe's Motion that an Attachment be issued against the Estate of the Defendante thereby to compell him to appear etc. at the next Court on the last Tuesday in October next to answer to the suite aforesaid.

<*Harrys petition for allowance as Evidence in Suite Fomvill* v. *Fullford. Allow'd.*> On the petition of Thomas Harrys praying to be allow'd for his Attendance etc. in the Suite brought by John Fomvill Administrator of Peter Fomvill Deceased against Joseph Fulford Order'd that the plaintiffe pay him the Sum of five pounds for his Attendance Travelling Expenses and ferryage with Costs alias Execution.

<375> This Court taking into consideration the Case of Appealls made from any of the Precinct Courts when there is not time to file Errors fifteen days before the sitting of the General Court

It is Ruled that when there is not Sufficient time for the Appellant to file Errors fifteen days before the Sitting of the next Generall Court following Every Such Appeall Shall goe over to the Second General Court Provided that in Such Case the Appellant do file his Errors thirty days before Such Second Court at which a finall Determination shall be made.

This Court taking into Consideration the charge and trouble that persons are at in giving their Attendance Sometimes the whole time of the Court's Sitting when the Writts are returnable to the first day of the Court It is therefore Ruled that for the future the Clark as he issues Writts shall make them returnable twelve for each day; making the first twelve writts that are issued returnable the Second day of the Court's Sitting and So the like number for each Succeeding day; And that all persons taking out Blank Writts shall cause them to be entred Returnable the first day of the Court.

And then the Court Adjourn'd

By Order of the Cheif Justice and his Assistants. C. Gale Ch. Justice

W. Badham Clerk

[*July 1723*]

[*CCR 103*]

<88> North Carolina Sc.

Att a Generall Court of Oyer and Terminer and Goal Delivery held at the Courthouse in Edenton begun on Tuesday the thirtieth day of July Anno Domini One thousand Seven hundred and twenty three and Continued by Severall Adjournments till Tuesday the Sixth day of August following. Present Christopher Gale Esqr. Cheif Justice and John Worley, Edmund Gale, Adam Cockburne, Henry Clayton, John Solley Esqrs. Assistants.

<*Dunn for Larceny.*> Whereas Thomas Dunn appear'd at this Barr in Custody of the Marshall and here confess't himself guilty of Severall petty Larcenys by him committed within this Government:

<*Sentence*> Whereupon It is Consider'd and Adjudg'd that the Said Thomas Dunn be tyed to the Taile of a Cart and that he be whip't on his bare back with thirty nine lashes well laid on, and thence to continue in the custody of the Provost Marshall of Albemarle County or his Deputy for the Space of Six weeks that he may be deliver'd to any person that may or can make any lawfull Claim to him as a Servant, and if no person appear in that time then he is to be disposed of for four Years to the first Master of a Vessell that will give Security to transport the Said Dunn out of this Government.

Edward Hassell being bound by Recognizance to appear at this Court to answer to the Complaint of Thomas Andros accordingly made his Appearance And the Said Thomas Andros John Hassell William Hassell and Abraham Hassell being bound to prosecute and give Evidence appear'd also and on hearing the whole matter; It is the Opinion of this Court that the prosecutor may be releiv'd at the Court of Common pleas and Thereupon the Said Edward is dismist without day paying Costs.

And now here at this day (Videlicet etc.) came the aforesaid John Lovick Esqr. and prayed discontinuance of the Information by him filed not having Sufficient Evidence to Support the Same;

Whereupon the said Thomas Pollock Cullen Pollock Esqrs. and George Pollock Gentleman are dismist without day And It is Order'd that the Informant pay Costs alias Execution.

<89> John Worley Esqr. on behalfe of Jacob Blount Overseer of the Roads on the South Shore having appealed to this Court from the Judgment of the precinct Court of Chowan and now failing to appear and prosecute his Said Appeall; Order'd that the said Appeall be dismist with Costs alias Execution.

<*Forster's Recognizance discharg'd.*> Robert Forster being bound by Recognizance to appear at this Court to answer the Complaint of Roger Hazard accordingly made his appearance and was dismist without day paying Costs.

Roger Hazard being bound by Recognizance to appear at this Court to answer the Complaint of Sarah Hazard accordingly made his appearance and was dismis't without day paying Costs.

And now here at this day (Videlicet etc.) Thomas Mathews brought into Court here his papers and filed them but having failed to adjust the Accounts between him and the said Sale as by the last Courts Order he ought to have done Therefore It is Consider'd and Order'd that he do Settle the aforesaid Accounts before the Cheif Justice with all convenient Speed and make report thereof to the next Court on the last Tuesday in October next on the third day of the said Court till which time the aforesaid Attachment is continued.

And now here at this day (Videlicet etc.) the Said Edward Cockrill (being Solemnly required to shew cause why his Recognizance should not be Estreated) came not which Recognizance being read in these words Videlicet

Be it Remembered that on the sixth day of December Anno Domini One thousand Seven hundred and twenty two Edward Cockrill Weaver and Thomas Mathews planter came before me Henry Clayton Esq. one of his Majestys Justices of the peace for the said Colony and of the Generall Court and acknowledged themselves indebted to Our Sovereign Lord the King to witt the said Cockrill in the sum of Sixty pounds and the said Thomas Mathews in the sum of thirty pounds Severally to be levyed upon their Goods and Chattells lands and Tene-

ments to the use of Our Lord the King if Default be made in the Conditions following Videlicet:

The Condition of this Recognizance is Such that if the above bound Edward Cockrill shall personally appear at the next Generall Court to be held at Edenton the last Tuesday in March to make answer to the Complaint or Information of Thomas Lyton and Samuel patchett for Stealing a Barrow Hogg belonging to Thos. Luton and the Sow from Samuel patchett in the year One thousand Seven hundred and nineteen which information is then and there to be tryed then the above Recognizance to be voyd or else to remaine in full force power and virtue etc.

Whereupon It is Consider'd by the Court here that the said Recognizance is become forfeited and Execution thereof is hereby adjudg'd to be accordingly done.

And now here at this day (Videlicet etc.) Came the aforesaid Thomas Mathews who was bound by the above Recognizance to have the body of the Said Edward at this Court under the penalty of thirty pounds and failing to produce the body of the said Edward he offer'd to the Court here a Mortgage from him the said Cockrill to the said Mathews of all his whole Estate which was entred into by the said Cockrill to indemnify him; And the said Mathews being a poor man and likely to Suffer by means thereof humbly praying to be admitted to Surrender the said Mortgage towards Satisfying the Said Recognizance <90> And that he may be thereof discharg'd etc. The Court taking into Consideration the said Mathews's Case are of Opinion that the said Mathews deserves Compassion and do humbly recommend his Case to the Consideration of the Honorable the president and Councill.

<*Mathews's petition and Order Council thereon.*>

And then the Court adjourned. By Order of the Cheif Justice and his Assistants.

W. Badham Clk. C. Gale Ch. J.

[*October 1723*]

[*CCR 106*]

<376> North Carolina Ss.

At a Generall Court held for the said Province at Edenton on Queen Anns Creek begun on Tuesday the twenty ninth day of October One thousand Seven hundred and twenty three and continued by Severall Adjournments till Saterday the Second of November following. Present Christopher Gale Esqr. Chief Justice and Adam Cockburne, Henry Clayton Esqrs. Assistants.

<*Boyd Assignee* v. *Manswell.*> Upon the Petition of Thomas Boyd Assignee of Martin Cromen praying to have Execution granted from this Court upon a Judgment obtained against Edward Manswell at a Court held for the precincts of Beaufort and Hyde at the Courthouse in Bath Towne on the first day of this Instant October in these Words Videlicet In the Action of Debt brought by Thomas Boyd Assignee of Martin Cromen plaintiff against Edward Manswell Defendante declaring for fifty and one shillings Sterling the Defendante being called and not appearing, the Same having been continued from the last Court

for the plaintiffe to prove his Debt and now at this day the ballance on the aforesaid Bill proved to be fourty three shillings Sterling At the plaintiffe's Motion Judgment is granted for the Same Order'd that the Defendante pay the same with Costs etc.

And it being Certified here by the Clerk of the said Court that Execution hath issued against the body of the Said Edwd. Manswell and that the returne thereof was made in these words (the within Defendante is not to be found in these precincts). Therefore It is Consider'd that Execution do issue against the body of the Said Defendante according to the direction of an Act of Assembly in that Case made for the debt aforesaid and Costs.

<*Powell's Breve de Partitione. Vide page 346. Sect. 1.*> And now here at this day (Videlicet etc.) came the partys aforesaid and the Surveyor Generall either by himself or Depty having failed to make returne of the Writt aforesaid Therefore at the Motion of the partys It is Order'd that the said Writt do continue till the next Court. <*Continued.*>

<*Clayton* v. *Bozman. Vide page 346. Sect. 5.*> And now here at this day (Videlicet etc.) came the aforesaid Henry Clayton in his own proper person and prayed Discontinuance of his Said Suite against the said Samuel Bozemen.

<*Discontinued.*> Wherefore It is Consider'd that the said Samuel may goe hence without day and that the said plaintiffe be from hence in mercy and that he pay Costs alias Execution.

<*Evans* v. *pritchard. Vide page 346 Sect. 6.*> And now here at this day (Videlicet etc.) came the aforesaid partys by their Attorneys aforesaid and hereupon by their consent the said Cause is putt in respite untill the next Court on the last tuesday in March Next. <*Continued.*>

<*Badham* v. *Conden. Vide page 347. Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid Badham in his own proper person to prosecute his Said Suite against the said John Conden; And the said Defendante by Thomas Swann his Attorney comes and defends the force and injury when etc. and Saith that he did not assume on himself in manner and forme as the plaintiffe aforesaid against him hath complained and of this he putts himself upon the Country And the plaintiffe in like manner. <*Defendante's Appearance. Plea. Issue.*>

<*Referr'd.*> And hereupon by the Consent of both partys the said Cause is put in respite untill the Second day of the next General Court at which time the Marshall is commanded to cause to come etc.

<377> <*Hastings* v. *West. Vide page 347 Sect. 3d.*> And now here at this day (Videlicet etc.) came the aforesaid Theophilus Hastings by his Attorney aforesaid and prayed discontinuance of his Said Suite against the said Charles West: Wherefore It is consider'd that the Said Theophilus shall go from hence in mercy and that the said Charles may go without day and that the plaintiffe pay Costs alias Execution. <*Discontinued.*>

<*Palmer* v. *Cary. Vide page 347 Sect. 5.*> And now here at this day (Videlicet etc.) came the aforesaid Robert Palmer by his Attorney aforesaid to prosecute his Said Suite against the said John Cary.

<*Certificate for proof admitted.*> And the said Defendante (being Solemnly

called) came not; Whereupon the plaintiffe to this Court a Certificate in these words Videlicet North Carolina Augt. twenty third One thousand Seven hundred and twenty three. Before me Christopher Gale Esqr. Cheif Justice personally came and appear'd Robert Palmer who on his Oath on the holy Evangelists taken sayth that he did well and truly pay and deliver unto Thomas Cary the Sum of twenty five pounds in the Condition of the Bond hereunto annexed mentioned and that he hath not receiv'd the Negro woman in the said Condition mention'd or any Satisfaction of the said Cary or his for the same but that the same is still justly due Sign'd Ch. Gale Chief Justice which Certificate was admitted and allow'd of for Sufficient proof of the Debt aforesaid according to the direction of Act of Assembly in that case made.

<*Judgment.*> Wherefore It is Consider'd that the plaintiffe do recover and have of the Defendante aforesaid the Sum of twenty five pounds with lawfull Interest and Costs alias Execution.

<*Nairne* v. *Molton. Vide page 347 Sect. 7.*> And now here at this day (Videlicet etc.) came the aforesaid John Nairne by his Attorney aforesaid and prayed Continuance of his Said Action against the said John Molton till the next Court on the last tuesday in March next which was granted the same day was also given to the Defendante. <*Continued per plaintiffe.*>

<*Kirby* v. *Jessop. Vide page 347. Sect. 9.*> And now here at this day (Videlicet etc.) came the aforesaid Joseph Jessop by Edward Moseley his Attorney to prosecute his Errors for reversing the Judgment aforesaid and for the reversall thereof offer'd these following reasons.

<*Errors* v. *Judgment assign'd.*> Videlicet 1: That the Declaration is uncertain and insufficient and wanteth Substance Not setting forth at what place the Slave in the Declaration mention'd came to the hands of the Defendante.

2dly: Nor doth it Sett forth after what manner the Slave in the Declaration mention'd came to the hands of the Defendante.

3dly: The Venire is ill awarded no place being mention'd in the Declaration where the Supposed Fact was done by the Defendante for which he is Sued.

4thly: The Visne is mistaken.

5thly: There is no returne endorsed on the Venire facias.

6thly: The Verdict is Uncertain and on which Judgment ought not to be given.

<*Plaintiffe's Appearance and plea.*> To which the said Edmund by his Attorney aforesaid appear'd and pleaded that neither in the record nor in the proceedings aforesaid for the reversing and annulling of the Judgment aforesaid in any thing was there Error And the premises being Seen and by the Court of Our Lord the King here diligently examin'd and fully understood as well the record and proceedings aforesaid and the Judgment upon the same given as the causes and reasons aforesaid for Error by the Said Joseph assigned and alledged it Seemed to this Court here that the record and Judgment were in nothing vitious or Defective and that in the said Record and proceedings is Error in nothing. <*Judgment affirm'd.*> Therefore It is Granted that the Judgment aforesaid be affirm'd and Stand in full force and Effect the reasons for Error here assign'd in any thing notwithstanding.

<378> <*Pettiver* v. *Gray.Vide page 348. Sect. 1.*> And now here at this day

(Videlicet etc.) came the aforesaid John Pettiver in his own proper person to prosecute his Said Suite against the said Thomas Grey.

<*Cont. for proof.*> And the Said Defendante (being Solemnly called) came not Whereupon the plaintiffe prayed time till the next Court on the last Tuesday in March next to produce proof of his Debt according to the direction of an Act of Assembly in that case made and provided, Which was granted. The same day is also given to the Defendante.

<*Harrys* v. *Ilee. Vide page 348. Sect. 2.*> And now here at this day (Videlicet etc.) came the aforesaid Thomas Harrys in his own proper person and prayed discontinuance of his Action aforesaid against the said Nicholas Ilee.

<*Discontinued.*> Wherefore It is Consider'd that the said Nicholas may go hence without day and that the said Thomas may be from hence in mercy and that he pay Costs alias Execution.

<*Dowers* v. *Williamson. Vide page 349. Sect. 2d.*> And now here at this day (Videlicet etc.) came the aforesaid William Dowers by his Attorney aforesaid to prosecute his Said Suite against the said James Williamson and produced to the Court here a Certificate that the said plaintiffe had taken the aforesaid Oath. <*Proof admitted.*>

<*Judgment.*> Wherefore It is Consider'd that the said William doe recover and have of the said James the Said Sum of five pounds fifteen shillings with Costs alias Execution. <*Satisfaction made. Testis W B Clericus Curiae Generalae*>

<*Parris* v. *Pridgeon. Vide page 350 Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid Thomas Parris by Thomas Henman his Attorney to prosecute his Suite against the said Francis Pridgeon and the said Defendante (being Solemnly called) came not; Whereupon the plaintiffe prayed time till the next Court on the last Tuesday in March next to produce proof of his debt according to the direction of an Act of Assembly in that case made; Which was granted the Same day is given to the Defendante. <*Continued for proof.*>

<*Dowers* v. *Minge. Vide page 350 Sect. 3.*> And now here at this day (Videlicet etc.) came the aforesaid William Dowers by his Attorney aforesaid and prayed discontinuance of his Action aforesaid against the said James Minge

<*Discontinued*> Wherefore It is Consider'd that the said William may be from hence in Mercy and that the said James may go without day and that he pay Costs alias Execution.

<*Dowers* v. *Minge. Vide page 350 Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid William Dowers by his Attorney aforesaid and prayed discontinuance of his Action aforesaid against the Said James Minge

<*Discontinued.*> Wherefore It is Consider'd that the said William be from hence in Mercy and that the Said James may go without day and that he pay Costs alias Execution.

<*Porter and uxor Executrix* v. *Billett Executrix. Vide page 350. Sect. 7.*> And now here at this day (Videlicet etc.) came the said plaintiffe's by their Attorney aforesaid to prosecute their Suite against Alice Billett Widow Executrix etc. as aforesaid; <*Defendante's Appearance. Plea.*> And the said Defendante by Thomas Swann their Attorney comes and defends the force and injury when etc.

And Saith action not etc. because she Saith that the plaintiffe's aforesaid Action was not commenced and prosecuted within three Years next after the Supposed accruing thereof and this he is ready to verify and demands Judgment if Action etc.

<*Replication.*> And the Said plaintiffe's Say that they by any thing by the Defendante above by pleading alledged from their Said Action against the said Defendante they ought not to be barred because they Say that the plea aforesaid by the Defendante in manner and form aforesaid pleaded and the matters therein contained are not Sufficient in Law to preclude the said plaintiffe's from having and maintaining their Said Action against the said Defendante to which plea the said plaintiffe's Say they are not obliged by Law to answer and for cause of demurrer in this behalfe the plaintiffe's shew to the Court here as follows (to witt) that the Writt and Declaration are brought in debt for money due by Bill or Obligation <379> under the hand of the said Samuel Willson and for no other and this they are ready to verify; Wherefore for want of sufficient answer the plaintiffe's pray Judgment for his aforesaid Debt and Costs etc. Whereupon the Defendante prayed time till the next Court on the last tuesday in March next to argue the said Demurrer; Which was granted the Same day is also given to the plaintiffe. <*Defendante's Motion for time to answer. Granted.*>

<*Bray* v. *Turner. Vide page 352. Sect. 5.*> And now here at this day (Videlicet etc.) came the aforesaid Thomas Bray by his Attorney aforesaid to prosecute his Said Suite against the said James Turner, And the Said Defendante (being Solemnly required) came not; Whereupon the plaintiffe prayed continuance of the Attachment against his Estate which was granted returnable to the next Court on the last Tuesday in March next. <*Attachment Continued.*>

<*Peskens* v. *Bell. Vide page 352. Sect. 6.*> And now here at this day (Videlicet etc.) came the aforesaid Thomas Peskens by his Attorney aforesaid and the said Defendante by his Attorney aforesaid also appear'd And having failed to file his plea ten days before the Courts Sitting as by a rule made at the last Court he agreed and consented to Therefore It is consider'd that the aforesaid Defendante may and doe account with the plaintiffe aforesaid And hereupon Edmund Gale and John Palin Esqrs. and William Norris Gentleman or any two of them in the presence of the said Defendante are appoynted Auditors by the Court here to Auditt their Accounts and to make report thereof to the next Generall Court on the last Tuesday in March next. <*Defendante's Appearance. Judgment to Account. Auditors appoynted.*>

<*Peskitt* v. *Bell. Vide page 352. Sect. 7.*> And now here at this day (Videlicet etc.) came the aforesaid Thos. Peskitt by his Said Attorney to prosecute his Said Suite against the Defendante aforesaid; And the said James (being Solemnly called) came not nor filed his plea ten days before the Courts Sitting as by a rule made at the last Court he consented and agreed to do Whereupon the plaintiffe prayed time till the next Court on the last Tuesday in March next to produce proof of his Debt aforesaid according to the direction of an Act of Assembly in that Case made Which was granted; the Same day is also given to the Defendante. <*Continued for proof.*>

<*Moseley* v. *Keefe. Vide page 352. Sect. 8.*> And now here at this day (Videlicet etc.) came the aforesaid Edward Moseley in his own proper person to prose-

cute his Suite against the said Treadle Keefe And the Said Defendante (being Solemnly called) came not Whereupon the plaintiffe proved the debt due from the Defendante according to the form of an Act of Assembly in that case made and provided; and for Default of the said Defendante's Appearance It is Therefore Consider'd that the said plaintiffe recover and have of the said Defendante the said Sum of Eleven pounds four shillings with Costs alias Execution. <*Debt proved. Judgment by default.*>

<*Reddick* v. *Rountree. Vide page 352. Sect. 9.*> And now here at this day (Videlicet etc.) came the aforesaid Mary Reddick in her own proper person and prayed discontinuance of her Action aforesaid against the said Thos. Roundtree.

<*Discontinued per plaintiffe.*> Wherefore It is Consider'd that the said Thomas may go from hence without day and that the said Mary may be from hence in mercy and that she pay Costs alias Execution.

<*Howett* v. *Cannings. Vide page 353. Sect. 3.*> And now here at this day (Videlicet etc.) came the aforesaid Wm. Howett by his Attorney aforesaid and Sayth that he ought not be barred by any thing before by the defendante alledged because the said plaintiffe Sayth that the Defendante hath not fully and duly administred on the said John Canns Estate as he the said Defendante before hath pleaded and this the said plaintiffe pray may be inquired of by the Country. <*Replication.*>

<*Issue.*> And the Defendante by his Attorney aforesaid in like manner.

<*Venire facias.*> Therefore It was Commanded the Marshall that he should cause to come on the Second day of the next Generall Court twelve etc. by whom etc. till which time the said cause by Consent of both partys is referred for Tryall. <*Referr'd.*>

<380> <*Ellison* v. *Howcott. Vide page 353 Sect. 4.*> And now here at this day (Videlicet etc.) came the aforesaid William Ellison by Edwd. Moseley his Attorney to prosecute his Said Suite against the said John Howcott And the said Defendante (being Solemnly called) came not Whereupon the plaintiffe prayed Continuance of the Attachment against the Defendante's Estate which was granted returnable to the next Court on the last tuesday in March next. <*Attachment continued.*>

<*Ellison* v. *Minge. Vide page 354. Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid Ellison by Edward Moseley his Attorney to prosecute his Suite against the Said James Minge And the Said Defendante (being Solemnly called) came not: Whereupon the plaintiffe prayed time till the next Court on the last tuesday in March next to produce proof of his Debt according to the direction of an Act of Assembly in that Case made. Which was granted the same day is also given to the Defendante. <*Continued for proof.*>

<*Ogilby* v. *Leary. Vide page 354. Sect. 2.*> And now here at this day (videlicet etc.) came the partys by their Attorneys aforesaid and the Jurors being called came likewise Videlicet James Castellaw Edward More John Rasberry James Harris John Stephens Luke White John Johnston Edward Wingate James Bell Thomas Mathews Thomas Broadwell and John Prichard who to Say the truth of the premises being Chosen tryed and Sworn <*Jury's Oath*> Say upon their Oath <*Speciall verdict*> that long before this Ejectment One Thomas Clarke of Chowan precinct planter was Seized in his demesn as of fee of the Lands and

Tenements aforesaid now in dispute and that on the fourth day of December Anno Domini One thousand Seven hundred and eighteen the said Thomas Clarke departed this life; That among the records of the Secretary's Office of this Government there appears to be a Deed Said to be the Will of the said Thomas Clarke proved by the Oath of William Havett in these words Videlicet Chowan Ss. <*Clark's Will.*> In the Name of God Amen the first day of November Anno Domini One thousand Seven hundred and eighteen I Thomas Clarke in Chowan precinct in North Carolina being in perfect mind and memory but knowing it is appoynted for all men to die do make and Ordaine this my Last Will and Testament in manner following principally and first of all I recommend my Soule unto God that gave it me hoping thro' the meritts of Christ to receive pardon of all my Sins and for my body I recommend it to the earth to be buried in a Christian and decent manner and for Such wordly goods as it has pleased God to bless me withall in this life after my just debts are paid I give Devise and dispose of in manner and form following First of all I make Peter Jones Senior at perquimons precinct and Charles Wilkins at Chowan precinct my Executors to See this my last Will and Testament performed. Item I Give unto my loving Wife Mary Clarke one third of all my estate and a good Negro to be purchas'd out of my Estate She to have the use and benefit of the Said Negro during her life and also One feather bed and furniture; Item I give unto my Son Samuel Clark all the remainder part of my Estate both Moveables and Immovables only he to be ruled by my aforesaid Wife Mary Clarke till he comes of the full age of twenty six Years and not to act or do any thing without her Consent in any bargains whatsoever.

Item I give unto the Boy John Ottery one Cow and Calfe: Item also if in case my aforesaid Son Samuel Clarke dyes without issue or comes by any untimely end then my aforesaid estate given to him to fall to my Sister Miles her Children in Maryland her husband's Name is Tobias Miles, if in case none of them is living to fall then to my brother's Children in Essex in England in Braintree And if none of them is alive then the Estate aforesaid to be given to maintaine poor fatherless Children here in Chowan to a Schoolmaster to live on it and to teach poor children as the Court of Chowan shall think fitt to putt such a Schoolmaster there of a good life and conversation he to be maintained out of the said Estate during his living there. Also my Will is that my estate aforesaid shall not be brought to any appraisement. And lastly I doe hereby own <381> this to be my last Will and Testament now given under my hand and Seale this first day of November One thousand Seven hundred and eighteen.

Thomas T C Clarke his Marke Seale

Sign'd Seal'd and deliver'd in the presence of us
John Swain Mary Swain Wm. Havett

<*Swain and uxor Sacramentum de Test.*> And the Said Originall Deed being produced in Court and Shewn unto John Swain and Mary Swain Wife of the Said John Said to be the Wittnesses to the said Deed or Will the Said John and Mary his Wife on their Corporall Oaths did Swear that they never were Wittnesses to the Same Deed or Will nor did ever putt their hands to the same as Wittnesses but that they were Wittnesses to a certain Will made by the said Thomas Clarke on or about the said first day of November Anno Domini One thousand Seven hundred and eighteen.

Whereupon We of the Jury find that the said Deed or Instrument above recited is not the Will of the said Thomas Clarke Wee of the Jury also find that Elizabeth the Sole Daughter of the said Thomas Clarke was married to the said John Falconer to whom during coverture she bare Thomas eldest Son of the Said John and afterwards departed this life the said Thomas her Son Still living Whereupon Wee of the Jury find for the plaintiffe and assess damages occasioned by the said Ejectment to be two shillings besides Costs and Charges of Suite etc. James Castellaw foreman. This Verdict agreed to by Danll. Richardson for the plaintiffe, Edwd. Moseley for the Defendante.

<*Judgment.*> Wherefore it was Granted by the Court here that the plaintiffe do recover and have his Term of the Lands Tenements and Appurtenances as mentioned in the Declaration aforesaid And that he also recover and have of the Goods and Chattells of the aforesaid Defendante the Value of two shillings beside's Costs and Charges of suite and that the Said Defendante Shall be thereof in mercy etc. <*Breve habere facias possessionem issued and returned that the plaintiffe hath full possession per W. Howcot deputy Marshall. Testis W. B Clericus Curiae Generalae*>

<*Sanderson Administrator* v. *Hicks Administrator. Vide page* 355. *Sect.* 4.> And now here at this day (Videlicet etc.) came the partys aforesaid by their Said Attorneys and hereupon at their Motion and consent the said Cause is putt in Respite untill the next Court on the last Tuesday in March next. <*Continued by Consent.*>

<*Sanderson Administrator* v. *Yates. Vide page* 355. *Sect.* 5.> And now here at this day (Videlicet etc.) came the aforesaid Richard Sanderson qualified as aforesaid and prayed discontinuance of his Said Suite against the said William Yates: Wherefore It is Consider'd that the said William may go from hence without day and that the said Richard may be from hence in mercy and that he pay Costs alias Execution.

<*Parris* v. *Stevens. Vide page* 357. *Sect.* 1.> And now here at this day (Videlicet etc.) came the aforesaid Thomas by his Attorney aforesaid and the said John Stevens Tenant in possession of the premises in his own proper person came likewise and prays lycence to withdraw his plea aforesaid and that he may plead de novo which with the Consent of the plaintiffe is granted; And thereupon the Said John in his own proper person comes and defends the force and injury when etc. And as to the Trespass and Ejectment of and in One hundred and fifty Acres parcell of the aforesaid Eleven hundred Acres being that whereon he lives he the said John Sayth he is in no wise Guilty thereof as the aforesaid plaintiffe above against him hath declared and of this he putts himself upon the Country: But as to the Trespass and Ejectment aforesaid of and in nine hundred and fifty Acres (the residue of the aforesaid Eleven hundred Acres with the Appurtenances) above Supposed to be made the said John Steven Sayth that he is thereof Guilty and for damages confesseth etc. for the Sum of Seven pounds ten shillings Sterling and four pounds province Bills; Therefore It is Consider'd that the plaintiffe recover and have against the said Defendante his Term aforesaid of and in nine hundred and fifty Acres parcell of the aforesaid Eleven hundred Acres with the Appurtenances yet to come and also Seven pounds ten shillings Sterling and four

pounds in Province Bills for his damages and that he pay Costs with Stay of Execution for two Months wherewith the plaintiffe is content.

And hereupon the said plaintiffe in his own proper person freely here in Court remitteth to the said Defendante any property claim or pretension whatsoever which he can or may have by any means or pretence whatsoever unto the aforesaid One hundred and fifty Acres with the Appurtenances being part and parcell of the aforesaid Eleven hundred Acres And the said plaintiffe in mercy for his false Clamour against the said Defendante for the Said One hundred and fifty Acres and the said Defendante may goe thereof without daye etc.

<382> <*Bartlett* v. *Davis. Vide page 358. Sect. 1.*> And now here at this day (Videlicet etc.) came the aforesaid Thomas Bartlett by his Attorney aforesaid to prosecute his Said Suite against the Said William Davis; <*Defendante's Appearance*> And the said Defendante by Thomas Henman his Attorney comes and defends the force and injury when etc. <*Plea*> and Sayth that Action not etc. because he the said Defendante Sayth that he and the plaintiffe did on the said ninth day of February One thousand Seven hundred and twenty one at the precinct of Perquimons mutually agree with each other in manner following (that is to Say) that he the Said Defendante was to frame erect and build for the plaintiffe a dwelling house and was to weather board and shingle the said house etc. And the plaintiffe by the said Agreement was to gett or cause to be gott all the Frame Shingles weatherboards etc. in the proper place for building the said house on or before the said first day of June in the plaintiffe's Declaration mentioned on which last mentioned day by the said agreement the Said Defendante was to begin the said Work: for which Work the plaintiffe agreed to pay the Defendante five barrells of pork to be paid down and Sixteen barrells of Tarr at the finishing the said Worke And the Defendante in fact Sayth that he the said Defendante was from the said Bargain making always till the said first of June and on that day and for Severall months afterwards and yet is willing to performe his part of the said Agreement and that he often times tendred his Service to the plaintiffe to performe the same And further the Defendante in fact Sayth that he took and received of the plaintiffe according to the Agreement five barrells of pork being part of the said Consideration for which (for fear of mortality) the Defendante passed the above mentioned Bill or Obligation to the plaintiffe and for no other cause or reason whatsoever and this he is ready to verifie Wherefore he prays Judgment if the said plaintiffe his Said Action Shall have and Maintaine etc. Whereupon the plaintiffe by his Attorney aforesaid prayed time to consider of and make answer to the aforesaid plea till the next Court on the last Tuesday in March next and he hath it the same day is also given to the Defendante. <*Plaintiffes Motion for time to answer. Granted.*>

<*Moseley* v. *Nairne. Vide page 358. Sect. 2.*> And now here at this day (Videlicet etc.) came the aforesaid Edward Moseley in his own proper person and prayed discontinuance of his Said Suite against the said John Nairne. Wherefore It is Consider'd that the said John may go hence without day and that the said plaintiffe be from hence in mercy and that he pay Costs alias Execution. <*Discontinued.*>

<*Sanderson Assignee* v. *Crosby. Vide page 358. Sect. 3d.*> And now here at this day (Videlicet etc.) comes the aforesaid Richd. Sanderson qualifyed as aforesaid to prosecute his Said Suite against the said John Crosby.

<*Return Attachment.*> And the Said Defendante (being Solemnly called) came not And the Marshall having made returne on the Attachment granted at the last Court (Nulla bona) <*Debt proved*> Whereupon the plaintiffe proceeded by his Corporall Oath to prove the Debt due from the Said Defendante according to the direction of an Act of Assembly in that case made and provided And for Default of the Said Defendante's Appearance <*Judgment*> It is therefore Consider'd that the plaintiffe shall recover and have of the said Defendante the said Sum of fourteen pounds Sterling with Costs alias Execution.

<*Allen* v. *Skipper. Vide page 359. Sect. 2. Venire facias.*> And now here at this day (Videlicet etc.) came the partys aforesaid by their Attorneys aforesaid Whereupon the Marshall was commanded that he should cause to come twelve etc. who to etc. by whom etc. and there came James Ward James Bell John Pendleton James Williamson Gabriel Consan John Rasberry Charles Jones John Johnston David Atkins Griffith Jones Joseph Bell and Edward Howcott who being impanell'd and <*Jury's Oath*> Sworne upon their Oath Say <*Verdict*> Wee of the Jury find ten days and damage five pounds with Costs <*Judgment*> Wherefore It is Consider'd that the plaintiffe recover and have of the Defendante the sum of Ten pounds And Costs alias Execution. On the petition of Mary Bailey praying to be allowed for two days Attendance and four days coming to and going from Court Order'd that the Defendante pay her Sixteen shillings and eight pence with Costs alias Execution. <*Baileys petition for Evidence Granted.*>

<383> <*Ball* v. *Hall. Ejectment. Narratio.*> John Ball by Edward Moseley his Attorney complaines against William Hall in custody for that whereas William Moore of Bertie precinct and Mary his Wife the tenth day of December Anno Domini One thousand Seven hundred and twenty two at Bertie precinct had demised to the said John Ball one Mansion house one Orchard five Acres of pasture Ground and three hundred and fifteen Acres of Woodland with the appurtenances scituate lying and being at deep Creek in Bertie precinct aforesaid To have and to hold to him the said John Ball and his Assignes from the said tenth day of December for the term of seven whole years thence next ensuing; By virtue of which demise the said John afterwards videlicet on the eleventh day of the said December into the said Land and premises with the appurtenances did enter and was thereof possess't untill the said William Hall afterwards videlicet on the twelfth day of the Said December into the aforesaid Demised premises with force and armes etc. upon the possession of the said John thereof did enter and the said John from the premises aforesaid thereof (his term aforesaid not yet ended) ejected expelled and amoved and him the said John from his possession aforesaid held out and doth yet hold out and other wrongs did unto him against the peace of Our Lord the King that now is to the damage of the said John twenty pounds and thereof he produces Suite etc.

<*Notice to Tenant in possession.*> Francis Benton. You may perceive that I am Sued for the Messuage and Land within mention'd being in Your possession;

therefore unless you or they under whom You claime do appear at the next Generall Court on the last Tuesday in October next to this Declaration and make your self or themselves Defendante's thereto and by rule of Court confess the lease entry and ejectment and insist only upon the Title upon the Tryall Judgment will be entred by Default and possession will be deliver'd to the plaintiffe and you turned out of possession.

Your Freind William Hall.

<*Deposition of Service.*> Whereupon Thomas Spires Deputy Marshall made Oath in open Court that on the fifteenth day of this instant October he deliver'd a Copy of the above Declaration unto Francis Benton Tenant in possession of the Messuages and Lands mention'd in the above Declaration and the Notice above written and that he the said Deponent read the same to him.

<*Bentons Appearance.*> Then appeared in Court Francis Benton and prayed to be admitted Defendante in the room of the Casuall Ejector which was allowed.

<*Admitted Defendante.*> And Thereupon It is Order'd by the Court with the Consent of both partys that the said Francis Benton become Defendante in the room of the Casuall Ejector and that he appear forthwith to the suite of the plaintiffe and shall receive the Declaration and plead thereto (Not Guilty) and on the tryall of the Issue shall confess Lease entry and Ouster and insist on the Title only otherwise Judgment shall be entred for the plaintiffe William Hall Casuall Ejector and Defendante in the Declaration by default.

<*Plea. Issue.*> And the said Francis Benton comes and defends the force and injury when etc. and Sayth he is in no wise guilty as the aforesaid John above against him hath complained and of this he putts himself upon the Country And in like manner the plaintiffe.

<*Referr'd.*> And hereupon by the Consent of both partys the said Cause is putt in respite untill the next Court on the last Tuesday in March next.

<*Sanderson Administrator* v. *Halsey. Vide page 360 Sect. 2.*> And now here at this day (Videlicet etc.) came the aforesaid Richard Sanderson qualifyed as aforesaid in his own proper person and prayed discontinuance of his Said Suite against the said Mary Halsey, Wherefore it is Consider'd that the said Mary may go hence without day and that the said Richard may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued.*>

<384> <*Forster Assignee* v. *Welch. Vide page 360. Sect. 5.*> And now here at this day (Videlicet etc.) comes the aforesaid Robert Forster by Edward Moseley his Attorney to prosecute his Said Suite against the said James Welch.

<*Defendante's Appearance and plea.*> And the Said Defendante by Thomas Boyd his Attorney comes and defends the force and injury when etc. and Sayth nothing in barr or avoydance of the aforesaid action of the plaintiffe by which he the said plaintiffe against the said Defendante remaineth undefended. Therefore It is Consider'd that the said Robert Forster Assignee as aforesaid recover and have of the said James Welch the aforesaid Sum of twenty three pounds twelve shillings in pitch with Costs With Stay of Execution till the last day of May next. <*Judgment.*>

Wherewith the plaintiffe was content.

<*Pugh* v. *Wyatt. Vide page 361. Sect. 6.*> And now here at this day (Videlicet etc.) Comes the aforesaid Francis Pugh by his Attorney aforesaid to prosecute his

Said Suite against the said Thomas Wyatt And the said Defendante (being Solemnly called) came not nor did the Marshall make returne of the Attachment granted against his Estate at the last Court Wherefore at the Motion of the plaintiffe the said Attachment against his estate is continued returnable to the next Court on the last Tuesday in March next. <*Attachment Continued.*>

<*Pugh* v. *Jones. Vide page 362. Sect. 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid Francis Pugh by his Attorney aforesaid and prayed discontinuance of his Said Suite against the said Charles Jones.

<*Discontinued per plaintiffe.*> Wherefore It is consider'd that the said Charles may go hence without day and that the Said Francis may be from hence in mercy and that he pay Costs alias Execution.

<*Badham Administrator* v. *Collins. Vide page 362. Sect. 3.*> And now here at this day (Videlicet etc.) Comes the aforesaid William Badham qualifyed as aforesaid by Edward Moseley his Attorney to prosecute his Said Suite against the said Richd. Collins and the said Defendante by Thomas Henman his Attorney comes and defends the force and Injury when etc. and for plea Sayth that he did not assume on himself in manner and forme as the aforesaid plaintiffe against him hath declared and of this he putts himself upon the Country; and the plaintiffe in like manner. <*Defendant's Appearance and plea. Issue.*>

<*Referr'd.*> And hereupon by the Consent of both partys the Said Cause is putt in respite untill the next Court on the last Tuesday in March next.

<*Clayton* v. *Martin. Vide page 363. Sect. 4.*> And now here at this day (Videlicet etc.) Comes the aforesaid Henry Clayton by his Said Attorney and prayed discontinuance of his Suite aforesaid against the said Nathaniel Martin, Wherefore It is Consider'd that the said Nathaniel may go hence without day and that the said Henry may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued.*>

<*Vaile* v. *Benbury. Vide page 365. Sect. 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid Jeremiah Vaile in his own proper person and prayed discontinuance of his said Suite against the aforesaid William Benbury; Wherefore It is Consider'd that the said William may go hence without day and that the said Jeremiah may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued.*>

<*Parris* v. *Wicks. Vide page 366. Sect. 5.*> And now here at this day (Videlicet etc.) Comes the aforesaid Thomas parris by his Attorney aforesaid to prosecute his said Suite against the said Robert Wicks And the said Defendante (being Solemnly required) came not nor did James palin his Security produce the body of the said Defendante as by an Order of the last Court he was obliged to do Therefore It is Consider'd that the Judgment obtained against James palin Security for the Defendante at the last Court by the said plaintiffe be confirm'd he having proved his Debt according to the direction of an Act of Assembly in that Case made etc. <*Judgment* v. *Security Confirmed.*>

<385> <*Palin* v. *Stoneham. Vide page 367. Sect. 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid James Palin by his Attorney aforesaid and prayed discontinuance of his Action aforesaid against the said Thomas Stoneham Wherefore It is Consider'd that the said Thomas may go from hence without

day and that the said James may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued.*>

<*Swann* v. *Price. Vide page 367. Sect. 3.*> And now here at this day (Videlicet etc.) comes the aforesaid Thomas Swann by his Attorney aforesaid comes to prosecute his Said Suite against the aforesaid Rice price And the said Defendante (being Solemnly required) came not nor did the Security produce the body of the said Defendante as by an Order of the last Court he was obliged to doe.

<*Judgment* v. *Security Confirmed.*> Therefore It is Consider'd that the Judgment obtained against Martin Frank his Security at the last Court by the said plaintiffe be confirmed he having proved his Debt according to the direction of an Act of Assembly in that case made etc. <*Execution issued Novr. 22d. 1723.*>

<*Judgment for Security* v. *price.*> It is also further Granted that the said Martin Frank recover and have of the said Rice price the aforesaid Sum of Five pounds as well as the Costs damages and charges accruing by the said Judgment being confirm'd against him for the said Rice price's Non appearance.

<*Blount* v. *Davis. Vide page 367. Sect. 4.*> And now here at this day (Videlicet etc.) Comes the aforesaid John Blount and Thomas Davis by their Attorneys aforesaid and hereupon at their Motion and Consent the said Cause is putt in respite untill the next Court on the last Tuesday in March next. <*Cont. by Consent.*>

<*Shute Assignee* v. *Miller. Vide page 368. Sect. 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid Gyles Shute Assignee etc. by his Attorney aforesaid to prosecute his Said Suite against the said Jacob Miller; And the said Defendante (being Solemnly called) came not.

<*Continued for proof.*> Whereupon the plaintiffe prayed time till the next Court on the last Tuesday in March next to produce proof of his Debt aforesaid according to the direction of an Act of assembly in that Case made etc. Which was granted the Same day is given to the Defendante.

<*Shute Assignee* v. *Hancock Junior. Vide page 369. Page 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid Gyles Shute Assignee etc. by his Attorney aforesaid to prosecute his Said Suite against the said William Hancock Junior And the said Defendante (being Solemnly required) came not. Whereupon the plaintiffe prayed time till the next Court on the last Tuesday in March next to produce proof of his Debt aforesaid according to the direction of an Act of Assembly in that case made etc. Which was granted, the same day is given to the Defendante. <*Continued for proof.*>

<*Harrys* v. *Hancock. Vide page 369. Page 2d.*> And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Harrys late Clerk of Craven precinct by his Attorney aforesaid to prosecute his Said Suite against the said William Hancock Junior And the said Defendante (being Solemnly required) came not nor did the said John Fumviell (his Security) produce the body of the said Defendante as by an Order of the last Court he was obliged to do. Therefore It is Consider'd that the Judgment obtained by the plaintiffe for the aforesaid Sum of [*blank*] and Costs at the last Court against the said John Fomveill (his Security) be confirmed he having proved his Debt according to the direction of an Act of Assembly in that case made and <*Judgment* v. *Security Confirm'd.*>

<*Judgment for Security* v. *Hancock Junior.* > It is also further Granted that the said John Fomviell shall recover and have against the said William Hancock Junior the aforesaid Sum of forty Seven pounds Seventeen shillings and ten pence as well as the Costs damages and Charges accruing by the said Judgment being confirm'd against him for the said William's Hancock Junior's non appearance etc. alias Execution.

<386> <*Harrys* v. *Hancock Executor. Vide page 370 Sect. 1.* > And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Harrys by his Attorney aforesaid to prosecute his said Suite against the aforesaid William Hancock Junior Executor as aforesaid; And the Said Defendante (being Solemnly required) came not; Whereupon the plaintiffe proceeded by his Corporall Oath to prove the Debt due from the Defendante according to the direction of an Act of Assembly in that Case made etc. and produced Mary Brounson Widow of the said Isaac Brounson deceased who on her Corporall Oath declared that the Said Defendante had Goods and Effects of the said Isaac deceased to the value of the debt aforesaid. <*Debt prov'd.* >

<*Judgment by default.* > And for Default of his the said Defendante's Appearance It is Consider'd by the Court here that the Said plaintiffe do recover against the Goods and Chattells of the Said Isaac deceased in the hands of the Defendante the Sum of Eighteen Pounds Current money alias Execution.

<*Evidence petition allow'd.* > On the petition of Mary Brounson praying to be allow'd for her Attendance etc. as an Evidence in the Said Suite; Order'd that the plaintiffe pay her for two days Attendance five shillings Six days coming to and going from Court ten shillings and for ferrys etc. fourty shillings in all fifty five Shillings with Costs alias Execution.

<*Harrys* v. *Sheppard. Vide page 370. Sect. 2.* > And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Harrys by his Attorney aforesaid and prayed discontinuance of his Said Suite against the Said Martin Sheppard; Wherefore It is Consider'd that the said Martin may go hence without day and that the Said Thomas may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued.* >

<*Harrys* v. *Miller. Vide page 370. Sect. 3.* > And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Harrys by his Attorney aforesaid to prosecute his Said Suite against the said Jacob Miller; And the said Defendante (being Solemnly required) came not nor did the Marshall make returne of the Attachment granted against his Estate at the last Court, It is therefore Granted at the Motion of the said plaintiffe that another Attachment be issued out against the Goods and Chattells of the said Jacob thereby to compell him to appear and answer the suite of the said plaintiffe returnable to the next Court to be holden at Edenton on the last Tuesday in March next. <*Attachment Cont.* >

<*Harrys* v. *Ilee. Vide page 371. Sect. 1.* > And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Harrys by his Attorney aforesaid to prosecute his Said Suite against the Said Nicholas Ilee; And the Said Defendante being Solemnly required came not nor did the Marshall make returne of the Attachment Granted at the last Court.

<*Attachment Cont.* > It is therefore Granted at the Motion of the said plain-

tiffe that another Attachment be issued out against the Goods and Chattells of the said Nicholas thereby to compell him to appear and answer the suite of the said plaintiffe returnable to the next Court on the last Tuesday in March next.

<*Harrys Assignee* v. *Gatlin Executor. Vide page 371. Sect. 2.*> And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Assignee as aforesaid and prayed discontinuance of his Said Suite against the said John Gatlin Executor as aforesaid; Wherefore It is Consider'd that the said John may go from hence without day and that the said Thomas may be from hence in mercy and that he pay Costs alias Execution. <*Discontinued.*>

<*Harrys* v. *Harvey and Uxor Administrator. See page 372. Sect. 1.*> And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Harrys by his Attorney aforesaid to prosecute his Said Suite against Richard Harvey and Ann his Wife Administrators as aforesaid and the said Defendante's being Solemnly required came not nor did the Marshall make returne of the Attachment granted at the last Court. It is therefore Granted at the Motion of the said Thomas that another Attachment be issued out against the Goods and Chattells of the said Defendante's thereby to compell them to appear and answer the Suite of the said Thomas returnable to the next Court to be holden at Edenton on the last Tuesday in March next. <*Attachment Contd.*>

<387> <*Brock* v. *Smith. See page 372. Sect. 2d.*> And now here at this day (Videlicet etc.) Comes the partys aforesaid by their Attorneys aforesaid And hereupon at their Motion and Consent the said Cause is putt in respite untill the next Court on the last Tuesday in March next. <*Continued.*>

<*Brock* v. *Smith. See page 373. Sect. 1.*> And now here at this day (Videlicet etc.) Comes the partys aforesaid by their Said Attorneys And hereupon at their Motion and with their Consent the said Cause is putt in respite untill the next Court on the last Tuesday in March next.

<*Morgan* v. *Relfe. See page 374. Sect. 2.*> And now here at this day (Videlicet etc.) Comes the aforesaid Robert Morgan by Thomas Swann his Attorney to prosecute his appeall aforesaid.

And the aforesaid Appellee by Daniel Richardson his Attorney comes etc. and objecteth against and demurreth in Law to the Appeall and Errors aforesaid for that Robert Morgan Appellant hath prayed and obtained an Appeall from the Jury's Verdict which by Law he ought not to have had untill Judgment of the precinct Court had been given on the Verdict aforesaid and this he is ready to verify etc. and prayeth Judgment etc. And the records and proceedings aforesaid being seen and the Errors argued and by the Court here diligently examined and fully understood It is Consider'd that the Said Appeall be dismist and that the proceedings be remitted to the precinct Court for Judgment and that the Appellant pay Costs alias Execution. <*Demurrer. Allow'd. Remitted to the precinct Court.*>

<*Bell* v. *Jones. See page 374 Sect. 3.*> And now here at this day (Videlicet etc.) Comes the aforesaid James Bell by Thomas Swann his Attorney to prosecute his Appeall aforesaid; And the aforesaid Appellee by Daniel Richardson his Attorney comes etc. and objecteth against and demurreth in Law to the Appeall and Errors aforesaid for that James Bell the Appellant hath prayed and obtained an Appeall from the Jury's Verdict which by Law he ought not to have had untill

Judgment of the precinct Court had been given on the Verdict aforesaid and this he is ready to verify etc. and prays Judgment etc. <*Demurrer.*>

<*Allow'd.*> And the Records and proceedings aforesaid being Seen and the Errors argued and by the Court here diligently examined and fully understood It is Consider'd that the Said Appeall be dismist and that the proceedings be remitted to the precinct Court for Judgment and that the Appellant pay Costs alias Execution. <*Remitted to the precinct Court.*>

<*Dennis Ryordane* v. *Dauge. See page 374. Sect. 4.*> And now here at this day (Videlicet etc.) Comes the aforesaid Dennis Ryordane by Thomas Swann his Attorney to prosecute his appeall aforesaid; And the Appellee aforesaid by Edward Moseley his Attorney comes etc. and objecteth against and demurreth in Law to the Appeall and Errors aforesaid for that Dennis Ryordane the Appellant hath prayed and obtained an Appeall from the Jury's Verdict which by Law he ought not to have had untill Judgment of the precinct Court had been given on the Verdict aforesaid and this he is ready to verify etc. and prays Judgment etc. <*Demurrer.*>

<*Allow'd.*> And the Records and proceedings aforesaid being Seen and the Errors argued and by the Court here diligently examined and fully understood It is Consider'd that the said Appeall be dismist and that the proceedings be remitted to the precinct Court aforesaid for Judgment and that the Appellant pay Costs alias Execution. <*Remitted to the precinct Court.*>

<*Williams* v. *White. See page 374. Sect. 5.*> And now here at this day (Videlicet etc.) Comes the aforesaid Thomas Williams by his Attorney aforesaid and prays discontinuance of his Said Suite against the said Josiah White.

<*Discontinued by plaintiffe.*> Wherefore It is Consider'd that the said Josiah White may Go from hence without day and that the said Thomas may be in mercy and that he pay Costs alias Execution.

<388> <*Keesible* v. *Hendricks.*> Upon the Petition of Michael Keesible by Thomas Boyd his Attorney Setting forth that Whereas the Said Keesible at March Generall Court in the Year of Our Lord One thousand Seven hundred and twenty one obtained Execution against Thomas Hendricks for the sum of three pounds Sterling with Costs and that the said Execution was deliver'd to the provost Marshall of Albemarle County who casually lost the Same before Execution thereof had been made and therefore prays this Court to grant him another Execution in forme aforesaid.

<*Petition for Execution Granted.*> Order'd that Execution do issue as aforesaid.

<*Execution* v. *Corpus issued the 21 Novemr. 1723.*> Satisfaction made. Testis W B Clericus Curiae Generalae.

Badham Assignee v. Jones Debt return'd Agreed Discontinued.

<*Evans* v. *Williams. Narratio.*> Robert Evans by Thomas Henman his Attorney comes to prosecute his Suite against Isaac Williams in custody etc. of a plea that he should render unto him the sum of thirteen Pounds five shillings which to him he oweth and from him unjustly detaineth the Same being due by his Bill or Writing Obligatory bearing date the fifth day of February One thousand Seven hundred and twenty two payable to the plaintiffe or his Assignes by

the last day of March then next ensuing and is here in Court produced etc.

<*Order* v. *Marshall.*> And the said Defendante being Solemnly called came not; nor did the Marshall make returne of Bond or Security taken for the said Defendante's Appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; And the plaintiffe aforesaid making choyce of an Order against the Marshall; It is therefore Order'd that the provost Marshall of Albemarle County have the body of the Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the said Marshall for the debt aforesaid and Costs.

<*Attachment.*> Whereupon the Said Marshall prayed an Attachment against the Goods and Chattells of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Court to answer to the said plaintiffe which was granted.

Ratcliff v. Hudson Junior. Tresspass Super Case return'd Agreed discontinued.

Swain v. Cole Originall Attachment return'd Nulla Bona Not regularly in Court.

<*Conner* v. *Outlaw. Narratio.*> John Conner of Pasquotank Precinct Merchant by Edward Moseley his Attorney comes to Prosecute his Suite against Edward Outlaw in custody etc. of a plea of the Case for that to witt that whereas the said Defendante at the precinct of Chowan in the province aforesaid being indebted to the plaintiffe the sum of thirty eight pounds eighteen shillings and nine pence for hatts Linen Stuffs hases and other Goods and Merchandize and money lent to the Defendante and paid to his Order as by an Account of particulars dated the eighteenth day of May One thousand Seven hundred and Seventeen and here in Court produced he the said Defendante at the same time and place did promise and assume on himself the said Sum to the plaintiffe to pay when when he should be thereunto required etc.

<*Oyer and Imparlance.*> And the said Defendante by Thomas Henman his Attorney appear'd and prayed Oyer of the said Account and Lycence to imparle untill the next Court on the last Tuesday in March next to answer to the plea of the plaintiffe aforesaid and he hath it; the Same day is also Given to the plaintiffe.

Howett v. Phelps Debt return'd not Executed alias to issue.

<389> <*Boyd* v. *Whidbee. Narratio.*> Thomas Boyd in his Own proper person comes to prosecute his Suite against John Whidbee in custody etc. of a plea that he the said Defendante should render unto him the sum of five pounds which to him he oweth and from him unjustly detaineth the same being due by his bill or Writing Obligatory Signed by the said John dated the third day of Aprill One thousand Seven hundred and twenty two and here in Court produced etc.

<*Judgment Confest.*> And the Said Defendante in his Own proper person comes and defends the force and injury when etc. and Sayth nothing in Barr or Avoydance of the aforesaid plea of the Said Thomas by which the said Thomas against the said John should remaine undefended.

Therefore It is Consider'd that the said Thomas recover and have of the said Defendante the aforesaid Sum of five pounds with Costs alias Execution.

<*Boyd* v. *Oliver. Narratio.*> Thomas Boyd in his own proper person comes to prosecute his Suite against Aaron Oliver in custody etc. of a plea that he the said

Defendante should render unto him the sum of four pounds province Bills of North Carolina which to him he oweth and from him unjustly detaineth the Same being due by Bill or writing Obligatory Signed by the said Aaron dated on the first day of August One thousand Seven hundred and twenty two and here in Court produced etc.

<*Order* v. *Marshall.*> And the said Defendante being Solemnly required came not, nor did the Marshall make returne of Bond or Security taken for the said Defendante's Appearance as by Law he ought to have done; Wherefore the plaintiffe aforesaid was putt to his Choyce either to have an Order against the Marshall with stay of Execution till the the next Court or an Attachment against the Defendantes Estate, And the plaintiffe making choyce of an Order against the Marshall; It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the Defendante at the next Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the said Marshall for the aforesaid Debt and Costs. <*Attachment.*> Whereupon the Marshall aforesaid prayed an attachment against the Goods and Chattells of the said Defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Court to answer to the plea of the aforesaid plaintiffe Which was granted.

Spires Assignee v. Halsey Debt return'd Executed and Agreed Discontinued.

<*Hazard* v. *Pettiver. Narratio.*> Roger Hazard by Thomas Henman his Attorney comes to prosecute his Suite against John Pettiver in Custody etc. of a plea of Tresspass on the Case for that to witt that whereas the said Defendante at the precinct of Chowan being indebted to the plaintiffe the sum of eight pounds ten shillings for Corn and Liquors Sold and deliver'd to the Defendante as by an Account of particulars dated the twenty fourth day of February One thousand Seven hundred and twenty two and here in Court produced which said Sum he the Said Defendante at the Same time and place did assume on himself and faithfully promise to the plaintiffe to pay when he should be thereunto required. Nevertheless the Said Defendante his promise and assumption aforesaid not regarding the said sum of eight Pounds ten shillings to the plaintiffe hath not as yet payd but the same to pay unjustly denys and refuses tho' often thereunto required which is to the plaintiffe's damage eight pounds and ten shillings current money and therefore he brings this Suite etc.

<*Plea.*> And the Said Defendante by Thomas Swann his Attorney comes and defends the force and injury when etc. and Says that he did not assume on himself in manner and forme as the plaintiffe aforesaid complaines above against him and of this he putts himself upon the Country etc. and in like manner the plaintiffe and hereupon at the motion of the partys the said Cause is referr'd for tryall to the Second day of the next Court; at which time the Marshall is commanded to cause to come twelve etc. <*Issue joynd. Venire.*>

<390> Hazard versus Comray Original Attachment return'd Executed. Discontinued per plaintiffe.

Collonel Gale v. Brookes Tresspass Super Casu Cepi. Discontinued per plaintiffe.

<*Cooke* v. *Stoneham. Narratio.*> Thomas Cooke by Thomas Boyd his Attorney comes to prosecute his Suite against Thomas Stoneham in Custody of the Marshall etc. of a plea of the Case for that to witt that whereas the said Defendante at the

precinct of Chowan being indebted to the plaintiffe the sum of six pounds ten shilling money lent him on the fifteenth day of June last past at the Speciall instance and request of him the said Defendante In Consideration whereof the said Defendante assumed on himself and then and there faithfully promised that he the said Defendante the sum to the said plaintiffe when he should be thereunto required would well and truly content and pay etc.

And the said Defendante being Solemnly required came not; whereupon the Marshall offer'd Thomas Banks Security for the said Defendante as by the Baile Bond here in Court produced appeareth; And the plaintiffe being putt to his choyce either to have an Order against the Security with Stay of Execution till the next Court or an Attachment against the Defendante's Estate made choyce of an Order against the Security.

<*Order* v. *Security.*> Judgment is therefore Granted against the Security with Stay of Execution till the next Court on the last Tuesday in March next for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the Said Thomas Banks Security as aforesaid prayed an Attachment against the Goods and Chattells of the Said Defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Court to answer to the Suite of the plaintiffe Which was granted.

Palin v. Culvart Case return'd not to be found. Discontinued by the plaintiffe.

Ansley v. Raymond Case return'd Executed. Discontinued by the plaintiffe.

<*Woodward* v. *Holmes. Narratio.*> Samuel Woodward by Thomas Henman his Attorney comes to prosecute his Suite against Thomas Holmes in custody etc. of a plea that he the said Defendante should render unto him the Sum of five pounds which to him he oweth and from him unjustly detaineth the same being due by his Bill or writing Obligatory signed by the said Thomas dated on the nineteenth day of December One thousand Seven hundred and twenty two payable to the plaintiffe his heirs or Assignes by the tenth day of March then next ensuing and is here in Court produced etc.

<*Marshall's returne.*> And the Said Defendante being Solemnly required came not; And the Marshall's returne being that he had left a Copy of the Writt and Declaration at the house of the Defendante according to the direction of an Act of Assembly in that case made; It is therefore Granted at the plaintiffe's Motion that an Attachment do issue against the Goods and Chattells of the said Defendante for the Debt and Costs aforesaid thereby to compell him to appear at the next Court to answer to the suite of the plaintiffe. <*Attachment.*>

<*Woodward* v. *Williams. Narratio.*> Samuel Woodward by Thomas Henman his Attorney comes to prosecute his Suite against Edward Williams in custody etc. of a plea that he the said Defendante Should render unto him the Sum of Fiffteen pounds Sterling money of Great Brittain which to him he oweth and from him unjustly detaineth for that to witt whereas the said Edward on the sixteenth day of September One thousand Seven hundred and twenty three at the precinct of Chowan by his certain Bill or Writing Obligatory Signed with his hand sealed with his Seale dated the same day and year and here in Court produced did oblige himself to pay or cause to be paid to the said Samuel the said sum of fifteen pounds Sterling money of Great Brittain when he should be thereunto required

etc. And the <391> Said Defendante being Solemnly required came not <*Marshall's returne*> Whereupon the Marshall made returne of Luke White Security for the Defendante as by the Baile Bond here in Court produced appeareth; And the plaintiffe being putt to his choyce either to have an Order against the Security with Stay of Execution till the next Court or an Attachment against the Defendante's Estate made choyce of an Order against the Security Judgment is therefore Granted against the said Luke White Security as aforesaid for the Said Debt and Costs with Stay of Execution till the next Court on the last Tuesday in March next. <*Order* v. *Security.*>

<*Attachment.*> Whereupon the said Luke White prayed an Attachment against the Estate of the aforesaid Defendante for the Debt and Costs aforesaid So as to compell him to appear at the next Court to answer to the Suite of the plaintiffe Which was granted.

Stoneham v. Raymond Debt returned Executed. Discontinued by the plaintiffe.

<*Davis* v. *Pinkett. Narratio.*> William Davis by Thomas Henman his Attorney comes to prosecute his Suite against Thomas Pinkett in custody of the Marshall etc. of a plea that he the said Defendante at the precinct of Chowan being indebted to the plaintiffe the Sum of Six pounds and Seven shillings and three pence for plank Tooles dyett and money lent to the Defendante and paid to his Order as by an Account of particulars dated the thirtyeth day of August One thousand Seven hundred and twenty three and here in Court produced it doth and may more fully and at large appear in Consideration whereof he the Said Defendante at the Same time and place did promise and assume on himself the Said Sum of Six pounds Seven shillings and three pence to the plaintiffe to pay when he should be thereunto required Nevertheless the said Defendante his promise and assumption aforesaid not regarding the said Sum to the plaintiffe hath not as yet paid but the Same to pay unjustly denys and refuses tho' often thereunto required which is to the plaintiffe's damage ten pounds and therefore he brings this Suite etc.

<*Order* v. *Marshall.*> And the Said Defendante being Solemnly required came not nor did the Marshall make returne of Bond or Security taken for the Defendante's appearance as by Law he ought to have done Wherefore the plaintiffe was putt to his Choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; and the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the body of the Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the said Marshall for the Debt aforesaid and Costs.

<*Attachment.*> Whereupon the Marshall prayed an Attachment against the Goods and Chattells of the said Defendante for the aforesaid Debt and Costs So as to compell him to appear at the next Court to answer to the Suite of the plaintiffe Which was granted.

<*Thickpenn* v. *Smith. Narratio.*> Henry Thickpen by Edward Moseley his Attorney comes to prosecute his Suite against John Smith in custody of the Marshall etc. of a plea of the Case for that to witt that whereas the said Defendante

at the precinct of Chowan being indebted to the plaintiffe the Sum of eight pounds ten shillings for a Buccaneer Gun and Severall other things as by Account dated the first day of February One thousand Seven hundred and twenty two and here in Court produced he the said Defendante at the Same time and place did promise and assume on himself the Said Sum of eight pounds ten shillings to the plaintiffe to pay when he Should be thereunto required etc. And the Said Defendante being Solemnly required came not nor did the Marshall make returne of Bond or Security taken for the Defendante's Appearance as by Law he ought to have done Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate; and the plaintiffe aforesaid making choyce of an Order against the Marshall; <*Order* v. *Marshall*> It is therefore Order'd that the Provost Marshall of <392> Albemarle County have the body of the Defendante at the next Generall Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the Said Marshall for the Debt aforesaid and Costs Whereupon the said Marshall prayed an Attachment against the Goods and Chattells of the said Defendante for the aforesaid Debt and Costs so as to compell him to appear at the next Court to answer the suite of the plaintiffe which was granted. <*Attachment.*>

<*Moseley Assignee* v. *Hobby. Narratio.*> Edward Moseley Gentleman Assignee of Henry Wheeler comes to prosecute his Suite against Lawrence Hobby in custody etc. of a plea that he the said Defendante should render unto him the full and whole quantity of ten barrells of Pitch which to him he oweth and from him unjustly detaineth the Same being due by Bill Signed by the Said Lawrence Dated on the thirteenth day of October One thousand Seven hundred and twenty payable to Henry Wheeler or Order and by him endors'd to the plaintiffe which Bill and Endorsement is here in Court produced etc. <*Defendantes Appearaance.*> And the said Defendante in his own proper person comes and defends the force and injury when etc. and Says nothing in Barr or Avoydance of the aforesaid Suite of the plaintiffe by which the said plaintiffe against the said Defendante should remain undefended; Therefore It is Consider'd that the said Edward recover against the Said Lawrence the full quantity of nine barrells of pitch with Costs alias Execution. <*Judgment confest.*>

Rowse v. Ward Case return'd not to be found. Alias to issue.

Vaile v. Hare Tresspass, Security taken. Discontinued by the plaintiffe.

<*Ballard Assignee* v. *Stoneham. Narratio.*> John Ballard by Thomas Henman his Attorney comes to prosecute his Suite against Thomas Stoneham in custody etc. of a plea that he the said Defendante should render unto him the Sum of four pounds ten shillings which to him he oweth and from him unjustly detaineth the same being due by Bill dated the Seventeenth day of December One thousand Seven hundred and twenty two Signed by the said Thomas and here in Court produced etc. And the said Defendante being Solemnly required came not nor did the Marshall make returne of Bond or Security taken as by Law he ought to have done Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate and the plaintiffe aforesaid making choyce of an

Order against the Marshall; <*Order* v. *Marshall*> It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante at the next Court to answer to the aforesaid plaintiffe Otherwise Judgment to be confirm'd against the said Marshall for the Debt aforesaid and Costs. <*Attachment.*> Whereupon the said Marshall prayed an Attachment against the Goods and Chattells of the Said Defendante for the aforesaid Debt and Costs So as to compell him to appear at the next Court to answer the suite of the plaintiffe Which was granted.

<*Nicholls* v. *Burnell. Narratio.*> James Nicholls By Thomas Henman his Attorney comes to prosecute his Suite against John Burnell in custody etc. of a plea that he the said Defendante should render unto him the sum of three pounds Eleven shillings Sterling which to him he oweth and from him unjustly detaineth the same being due by Bill dated the seventh day of March One thousand Seven hundred and twenty two Signed by the said John payable to the plaintiffe or Order and here in Court produced etc. And the said Defendante being Solemnly required came not nor did the Marshall make return of Bond or Security taken for the Said Defendantes Appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendantes Estate. <*Order* v. *Marshall.*> And the plaintiffe making choyce of an Order against the Marshall It is therefore Order'd that the provost Marshall of Albemarle County have the Body of the Said Defendante at the next Court to answer to the aforesaid plaintiffe Otherwise <393> Judgment to be confirmed against the said Provost Marshall for the aforesaid Debt and Costs; <*Attachment*> Whereupon the said Provost Marshall prayed an Attachment against the Goods and Chattells of the Defendante for the Debt aforesaid and Costs So as to compell him to appear at the next Court to answer to the Suite of the plaintiffe Which was granted.

<*Ogilby* v. *Pettiver. Narratio.*> Patrick Ogilby by Thomas Boyd his Attorney comes to prosecute his Suite against John Pettiver in custody etc. of a plea of Tresspass on the Case for that to witt that whereas the said Defendante at the precinct of Chowan being indebted to the plaintiffe the sum of thirteen pounds for Liquors and other things as by an Account of particulars dated the first day of August One thousand Seven hundred and twenty three and here in Court produced he the said Defendante at the same time and place did assume on himself and faithfully promised the said Sum of thirteen pounds to the plaintiffe to pay when he should be thereunto required etc.

<*Order* v. *Marshall.*> And the said Defendante being Solemnly required came not nor did the Marshall make returne of Bond or Security taken for the Defendante's appearance as by Law he ought to have done; Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with stay of Execution till the next Court or an Attachment against the Defendante's Estate, and the plaintiffe aforesaid making choyce of an Order against the Marshall; It is therefore Order'd that the provost Marshall of Albemarle County have the body of the said Defendante at the next Court to answer to the plaintiffe aforesaid Otherwise Judgment to be confirmed against the said provost Marshall for the aforesaid Debt and Costs.

<*Attachment.*> Whereupon the said Provost Marshall prayed an Attachment against the Estate of the Defendante for the Debt aforesaid and Costs So as to compell him [*to*] appear at the next Court to answer to the suite of the plaintiffe Which was granted.

Dowers v. Howcott. Case. Return'd Executed. And dismist for want of the plaintiffe's Appearance.

<*Tyzeck* v. *Palin. Narratio.*> Timothy Tyzeck by Thomas Henman his Attorney comes to prosecute his Suite against James Palin in custody etc. of a plea that he the said Defendante should render unto him the sum of thirty one pounds Seventeen shillings which to him he oweth and from him unjustly detaineth the Same being due by Bill under his hand dated the eighteenth day of December One thousand Seven hundred and twenty two payable to the plaintiffe or his Order and here in Court produced etc. <*Demurrer.*> And the aforesaid Defendante by Thomas Swann is Attorney comes and defends the force and injury when etc. and Saith Action not etc. because he Sayth that the plaintiffe declares on a Bill Obligatory and exhibits into Court a promissary Note only which is not sufficient in Law to maintain the said Declaration wherefore the said Defendante doth demurr and demands Judgment etc. <*Joyn'd.*> Which Demurrer being joyn'd by the plaintiffe and the Arguments on both sides being heard and by the Court here duly consider'd <*Overuled*> It is thereupon Order'd that the said demurrer be overruled. <*Judgment.*> And It is further Consider'd that the plaintiffe recover and have against the said Defendante the sum of twenty one pounds seven shillings and Six pence with Costs alias Execution. *Execution* v. *Estate issued 27th of Novr. 1723.*>

Satisfaction made Testis W B Clericus Curiae Generalae.

<*Palin* v. *Ogilby. Narratio.*> James Palin by Thomas Swann his Attorney comes to prosecute his Suite against Patrick Ogilby in custody etc. of a plea of the Case for nineteen pounds ten shillings damage due by Account dated the thirtieth day of August One thousand Seven hundred and twenty three and here in Court produced etc. And the said Defendante being Solemnly required came not nor did the Marshall make returne of Bond or security taken for the said Defendante's Appearance as by Law he ought to have done Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with Stay of Execution till the next Court or an Attachment against the Defendante's Estate, <*Order* v. *Marshall*> And the plaintiffe aforesaid making choyce of an Order against the Marshall It is therefore Order'd that the Provost Marshall of Albemarle County have the body of the said Defendante at the next Court to answer to the suite of the aforesaid plaintiffe otherwise Judgment to be confirm'd against the said Marshall for the Debt aforesaid and Costs.

<*Attachment.*> Whereupon the Provost Marshall aforesaid prayed an Attachment against the Goods and Chattells of the said Defendante for the Debt aforesaid and Costs So as to Compell him to appear at the next Court then and there to answer unto the Suite of the plaintiffe Which was granted.

<394> <*Swann* v. *Ilee. Narratio.*> Thomas Swann by Thomas Boyd his Attorney comes to prosecute his Suite against Nicholas Ilee in custody of the Marshall etc. of a plea that he render the plaintiffe the sum of Seven pounds current money which he oweth him and unjustly detaineth etc. the same being due by a

Bill under the Defendante's hand dated the thirtieth day of October Anno Domini One thousand Seven hundred and twenty two and here in Court produced etc.

And the Said Defendante being Solemnly required came not nor did the Marshall make returne of Bond or Security taken for the said Defendante's appearance as by Law he ought to have done Wherefore the plaintiffe was putt to his choyce either to have an Order against the Marshall with stay of Execution till the next Court or an Attachment against the Defendante's Estate.

<*Order* v. *Marshall.*> And the plaintiffe aforesaid making choyce of an Order against the Marshall; It is therefore Order'd that the provost Marshall of Bath County have the Body of the Defendante at the next Court to answer to the suite of the plaintiffe Otherwise Judgment to be confirmed against the said Provost Marshall for the Debt aforesaid and Costs.

<*Attachment.*> Whereupon the said Provost Marshall prayed an Attachment against the Goods and Chattells of the said Defendante for the Debt aforesaid and Costs So as to compell him to appear at the next Court to answer to the suite of the plaintiffe aforesaid Which was granted.

Harrys v. Frank: Covenant; return'd Copy left: discontinued by the plaintiffe.

<*Harrison and Ashe* v. *Martin. Narratio.*> Charles Harrison and John Baptista Ash by Thomas Boyd their Attorney come to prosecute their Suite against Thomas Martin in custody etc. of a plea that he render unto them one hundred and fifty pounds current money for that to witt that whereas in and by an Act of Assembly Intituled an Actt concerning Servants and Slaves ratifyed at a Bienniall assembly holden at the house of Capt. Richard Sanderson in Little River began on the Seventeenth day of November One thousand Seven hundred and fifteen and continued by adjournments to the nineteenth day of January following among other things it is Enacted that if any person or persons shall harbour or entertain any runaway Servant or Slave above One night he or they So offending shall for every twenty four hours afterwards forfeit and pay the Sum of ten shillings to the Master or Mistress of Such Servant or Slave together with all Costs losses and damages which the Master or Mistress shall sustain by reason of such entertaining or Concealing to be recover'd in any Court of record within this Government Now the plaintiffe's in fact say that one Jabez Tom an Indian Servant Man belonging to the plaintiffe's did run away from them on the eleventh day of February One thousand Seven hundred and twenty two new Stile and on the Same day and year came to the house and plantation of the Defendate in South River in Bath County and was by him the said Defendante from thence afterwards entertained and concealed untill the twelfth day of August following being One hundred eighty and three days and further that the said plaintiffe's were at great costs and charges in pursuing after the said runaway and also lost his Service during the said one hundred and eighty three days by his being entertained harbour'd and concealed as aforesaid whereby Action hath accrued to the plaintiffe's to have and recover of the Defendante the said ten shillings per day being ninety one pounds ten shillings and for loss of service one hundred eighty four days at five shillings per day the Sum of forty five pounds fifteen shillings and for Costs and Charges Expended twelve pounds fifteen shillings in the whole amounting to the Sum of One hundred fifty pounds Current money which said Sum the Defendante unjustly denys to pay unto the plaintiffe's altho' often thereunto required to the plaintiffe's

damage one hundred and fifty pounds of the like money whereof by Thomas Boyd their Attorney this their Suite is produced etc.

<*Marshalls returne.*> And the said Defendante being Solemnly required came not and the Marshall's returne being that he had left a Copy of the Writt and Declaration at the house of the Defendante according to the direction of an Act of Assembly in that Case made etc. It is therefore granted at the plaintiffes Motion that an Attachment do issue against the Goods and Chattells of the said Defendante for the Debt and Costs aforesaid thereby to compell him to appear at the next Court to answer to the Suite of the plaintiffe's aforesaid. <*Attachment.*>

It is also further Granted at the plaintiffe's Motion that a Dedimus do issue directed to Some persons within the Government of Virginia defining and impowering them to take the Deposition of One George Owen of that Government relating to the said Suite.

And then the Court Adjourn'd By the Order of the Cheif Justice and his Assistants.

W. Badham Clerk C. Gale C. J.

[*October 1723*]

[*CCR 103*]

North Carolina Ss.

Att a Generall Court of Oyer and Terminer and Goal Delivery held at the Court house in Edenton begun on Tuesday the twenty ninth day of October One Thousand Seven hundred and twenty three and continued by Severall Adjournments to the second of November following. Present Christopher Gale Esqr. Cheif Justice, and Adam Cockburne, Henry Clayton Esqrs. Assistants.

And now here at this day (Videlicet etc.) the said Thomas Mathews having failed to adjust the Accompts Between John Sale aforesaid and him before the Honorable the Cheif Justice as by the last Court's Order he was obliged to do. Order'd that he do Settle and adjust the Said Accounts as before directed and make report thereof to the next Court on the last Tuesday in March next on the third day of the said Court till which time the said Attachment against the Goods and Chattells of the said John Sale is continued.

John Burton and Thomas Williamson appear'd at this Barr and declared that they were bound to appear at this Court here by Recognizance taken before John Solley Esq. and prayed that their Appearance might be entred and also that they might be discharged; And there being no Recognizances return'd nor any Informations filed against the said John Burton or the said Thomas Williamson It is therefore Consider'd and Order'd that they be dismist without day paying Costs.

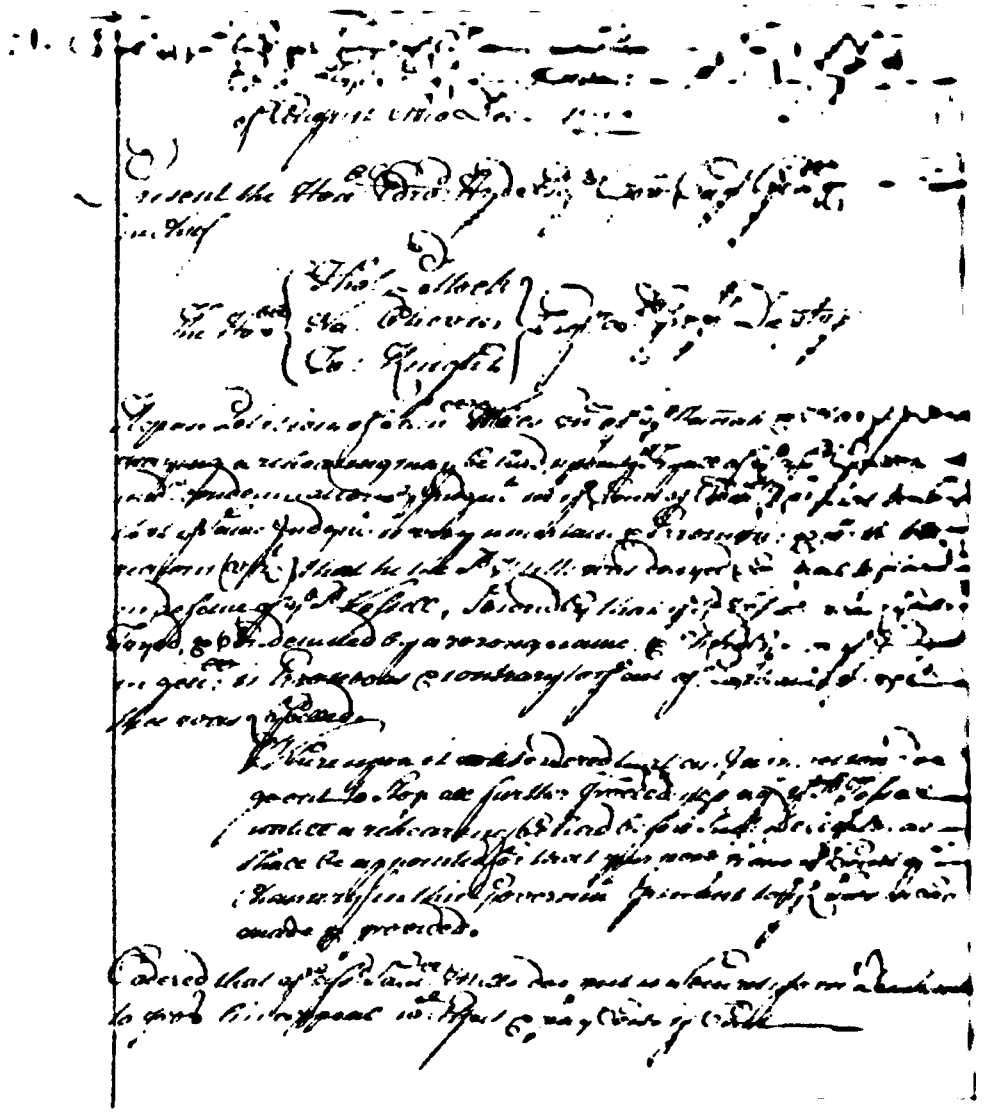
And It is further Order'd that a Summons do issue directed to John Solley Esqr. commanding him to appear at the next Court on the last Tuesday in March next on the third day of the said Court to Shew cause (if any he hath) why the Examinations of the said John Burton and Thomas Williamson together with their Recognizances were not return'd to this Court. And that the said Summons be given to the provost Marshall of Albemarle County to Execute and returne.

John Whidbee being bound by Recognizance to appear etc. at this Court accordingly made his appearance and was dismist without day paying Costs.

John Martin and Nathaniel Martin his Son being bound by Recognizance to appear etc. at this Court accordingly made their Severall Appearances (And no Informations being filed nor prosecutors appearing) Upon proclamation they were dismist without day paying Costs.

The petition of Mary Cockrill Wife of Edward Cockrill together with an Order of Council thereon was read in these Words Videlicet: North Carolina Ss. To the Honorable the president and the rest of the Members of the Council now Sitting. The humble petition of Mary Cockrill Wife of Edward Cockrill late of Chowan precinct Sheweth That whereas the sayd Edward was bound by Recognizance to appear at March Generall Court One thousand Seven hundred and twenty three and by a Scire facias continued he was required and commanded to appear at July Generall Court then next following and therein also fayling the Sayd Recognizance was then and there declared forfeited and Execution thereof Adjudged to be done And the Sayd Edward being departed this Government and having left Your humble petitioner in a very mean condition his goods and Chattells being of little or no value and only Such as are absolutely necessary for the Support of Your petitioner: and without which she is likely to become chargeable She therefore humbly prays that Your Honors out of the abundance of Your great goodness and Clemency would be pleas'd to remitt to the sayd Edward his fine forfeited as above mention'd and that he may be thereof discharg'd And Your petitioner as in duty bound Shall pray etc. Sign'd Mary Cockrill.

North Carolina Ss. At a Council held at Edenton November the seventh One thousand Seven hundred and twenty three. Present Wm. Reed Esqr. president Christopher Gale Richard Sanderson John Lovick and Maurice Moore Esqrs. Lords Deputys. The petition of Mary Cockrill was read Setting forth that Judgment pass against her husband in the Generall Court of this province at July Generall Court last on forfeiture of a Recognizance and that her husband had left her in very deplorable Circumstances with Severall Small Children who must all be inevitably ruin'd unless by the Clemency of this Board the Execution be Stopp't and the fine remitted to the petitioner. Which this Board duly Considering of and Severall Members being Satisfyed of the Truth of the petition Order'd that the sayd Fine be remitted and the goods restor'd that are taken into Custody by virtue of the sayd Judgment.



First Page of Minutes, Court of Chancery, August 1712

Minutes of the Court of Chancery

Minutes of the Court of Chancery

[SS 878]

[*August 1712*]

<1> No. Carolina Ss. Att a Court of Chancery holden at the house of the Honorable Edwd. Hyde Esqr. in Chowan on Thursday the 25th Day of August Anno Domini 1712 Present the Honorable Edwd. Hyde Esqr. Governor Capt. Generall and Commander in Chief The Honorable Thos. Pollock, Na. Chevin, To. Knight Esqrs. Lds. Proprietors Deputys.

Upon Petition of Samll. Mills Master of the Hanah and Mary Galley praying a rehearing may be had upon the Tryall of the aforesaid Galley now under condemnation by Judgment in the Court of Admiralty for that he Says that the Same Judgment is very uncertain and Erronious and for the following reasons (videlicet) that he the said Mills was denyed Councell to plead in defence of the Said Vessell; Secondly that the Said Vessell was Lybelled Tryed, and Condemned by a wrong name and Thirdly that the Judgment in generall is Erroneous and contrary to the act of Parliament on which shee was Lybelled.

Whereupon it is ordered that an Injunction doe go out to Stop all further proceedings against the Said Vessell untill a rehearing be had before Such Delegates as Shall be appointed for that purpose from the Court of Chancery in this Government pursuant to the Laws in Case made and provided.

Ordered that the aforesaid Samll. Mills doe put in Security to Mr. Drinkwater to prosecute his appeal with Effect and pay Costs if [Cast].

[*September 1712*]

<2> No. Carolina Ss. Att a Court of Chancery holden at the house of the Honorable Thoms. Pollock Esqr. in Chowan on the 13th Day of Septr. Anno Domini 1712 Present the Honorable Thos. Pollock Esqr. President etc., The Honorable Tho. Boyd, Na. Chevin, Wm. Reed, Christo, Gale, Tobs. Knight Esqrs. Lds. Proprietors Deputeys.

Whereas by a former order of Court Delegates was appointed to hear and determine an appeal from the Court of Admiralty concerning the Tryall and Condemnation of a certain Vessell called the Hanah and Mary Galley and that Commission being fallen by the Death of the Honorable the Governor It is hereby ordered that a new Comission Doe Issue out directed to Major Thos. Luten, Tho. Snoden, Jno. Bird, and Edwd. Smithwick Esqrs. to meet at the house of Capt.

Tho. Lee in Chowan on the first day of 8br. next then and there to hear and determine the aforesaid Appeal.

[*Signed:*]

Tho. Pollock, C. Gale, T. Knight, Tho. Boyd, N. Chevin.

[*November 1712*]

<3> N. Carolina Ss. Att a Court of Chancery holden at the house of Capt. Jno. Hecklefield in Litle River on Tuseday the 4th day of Novr. 1712 Present The Honorable Thomas Pollock Esqr. President etc., The Honorable Nathll. Chevin, Thos. Boyd, Wm. Reed, C. Gale, T. Knight Esqrs. Lds. proprietors Deputys.

Upon readeing of a Bill of Complaint this Day of Major Christo. Gale Esqr. Complainant against Mr. Joseph Dereham Defendant

It is Ordered and Decreed that a Comission Doe Issue out of this Court directed to Capt. Jno. Drinkwater Wm. Gray John Clarke Wm. Brice Jno. Nelson Junior and Wm. Hancock Senior Impowering them or any two of them to Examine all Such Evidences as shall be brought before them at a Certaine day to be by them appointed touching or Concerneing the premisses or any part thereof and also that a Subpoena be directed to Mr. Joseph Dereham to appeare at the next Court of Cancelleria pursuant to the aforesaid Bill.

John Smith Merchant Comes by Tho. Snoden his Attorney to prosecute his bill of Complaint against Cornelius Fitzpatrick Defendant therein Setting forth that he did Imploy the said Defendant to receive Severall quantytys of Pitch for him he the Said Defendant pretending Skill in that Comodyty and promiseing that he would receive none but what was good And that he allowed him in Consideration thereof after the rate of ten Per Cent Nevertheless and Notwithstanding Such Or his Agreement and the Said Defendants promise out of Eighteen barrells of Pitch which he received as aforesaid Sixteen of them are found Nought and not Merchantable as in and by a Survey thereof by good Authority appointed heareing Date the 11th day of July 1712 and here into Court brought doth and may Appear Contrary to Equity etc. And for as much as Per the Strict rules of the Comon Law Your Orator is remediless he haveing at the rect. of the aforesaid Pitch wholly discharged the Defendant of and from the Same Therefore prays that a Subpoena may [*be*] directed to the Said Fitzpatrick Orator And that Such reliefe may be decreed to him as shall thought fit etc.

<4> And the said Defendant by Edwd. Moseley his Attorney Comes and Saith that the Same is Devised and Exhibited of Set purpose and Mallice to put this Defendant to great trouble Vexation and Expence in the Law for following the Same And without any reasonable Cause Given by him because it evidently appeareth by the Saide Bill that if the Complainants Alligation were true the said Complainant hath good remedy and oughto Sue for the Same by way of Action at and by the Comon Law and not at this Court And for other apparent Insufficiencis etc. the Said Defendant Demurreth in Law and Demandeth Judgement whether etc. And this Court haveing Duely Considered of the Said Demurrer have thought fit and the Same is hereby overruled And thereupon the Said Defendant for farther Answer to the Said Bill Saith that he did agree with the

Complainant to Sell Some goods for him and to receive the Effects the said Complainant allowing him at the rate of ten Per Cent for Such his trouble And that in pursuance of the said Agreement he did Sell and dispose of Sundry goods belonging to the Complainant and to the best of his Skill and knowledge did receive pitch for the Same and at tymes made delivery thereof in good order (to the best of this Defendants Knowledge) except One barrell which this Defendant Supposed to be too Soft and offered to Keep it himselfe and allow the said Complainant upon Account for the Same but the Complainant approved thereof and received it and gave him a discharge in full etc. And the Court haveing duely heard and Considered the whole Matter

It is Adjudged Ordered and Decreed that the Suite be Dismissd and the plaintiff pay Cost's alias Execution.

Willm. Tetterton and Sarah his wife one of the Coheires of the Estate of John Lilly Deceased Comes to prosecute their Suite against Richd. French and Sarah his wife Administratrix of the goods and Chatles of the Said John Lilly therein setting Forth that the Said John Lilly in his life tyme was Seized and possessed of Divers goods and Chatles Wares and Merchandizes and personall Estate to a Considerable vallue And being Soe Seized Dyed Intestate leaveing Issue the said Sarah and Hanah Lilly Coheyres as aforesaid And at Some Short tyme after one James Oates <5> late of this Province and Eliza. the Defendant his then wife upon what pretence they know not Obteyneid Lettres of Administration on the Estate of the Said John Lilly And they verily beleive that James Oats and Eliza. never returned any Inventory into the Office as they ought to have done or if any was returned the Same is by Some Casualty lost Soe that they Cannot Assertaine what goods and Chatles the Said John Lilly dyed possessed of or of what vallue the Same was So that they are left remediless by the Strict rules of the Comon Law and prays a Subpoena etc. And that the Said Defendants may upon their Corporall Oathes declare by what meanes the said James Oates Obteyned Administration as aforesaid and whether or noe a true Inventory was returned and what the Vallue of the Same was and to what use the Same has been Imployd and that what may appeare to be Due to them may be pd. etc. And the Said Defendants Came and Saith that hee did Exhibit into the Secretarys Office and Inventory within One Yeare and a day of all the goods and Chatles of the Deceased and that she the said Eliza. with her husband did obteyne Letters of Administration on the Estate of the said John Lilly as nearest of Kin and that the Inventory of the said Estate as neare as they Can remember amounts to the Summe of One hundred and Seaventeen pounds or thereabouts etc. And thereupon the said Complainants by Thos. Snoden theyr Attorney prays Auditors may be appointed to Audit the Said Accounts which being accepted of by the Defendants

It is Ordered and Decreed that Capt. John Petiver John Stepney Richd. Leary and Isaac Wilson doe Audit the Said Accounts and lay the Same before this Court.

Upon Petition of John Smyth Merchant shewing that he had one bill of Exchange of the Reverend Dr. Urmston for £10 Sterling and another bill of Nath. Chevin Esqr. for twelve pounds on Mr. Nuberry at Boston both which bills were

Delivered to him by the Late Governor Hyde in part of payment of a Debt Contracted by him and Due to the said Smyth which Said Bills together with the Leters of Advice were lost among Severall other goods in a Storme the 5th of Apll. last upon Aligator Shore therefore prays that the abovesaid Dr. Urmston and Nath. Chevin <6> May Deliver to him New bills for the aforesaid Summes etc. And upon a due Consideration of the matter And neither Madam Hyde nor Mr. Urmston being present this Court Admited the Said Smyth to make Oath to the veryty of his said pettition.

Caleb Bundy as trustee to Eliza. Evans Junior Came here in to Court and acknowledged himselfe to be Indebted unto James Tooke Executor of the last Will and Testament of Capt. Jno. Hunt deceased in the full and Just Summe of One hundred pounds to be Levyed upon his goods and Chatles by way of Recognizance upon Condition that he the Said Caleb Bundy shall well and truely stand to and abide the order and Determination of this Court to be made Concerneing a Controversy by both the said partys mutually referrd to this Court Concerneing a Malata Woman and Child now in possession of the Said Tooke as part of the Said Capt. Hunts Estate.

And likewise the aforesaid James Tooke Executor as aforesaid also at the Same tyme Came and acknowledged himselfe Indebted to the Said Caleb Bundy in the like Summe of One hundred pounds to be Levyed as aforesaid upon Condition as aforesaid And upon heareing of the whole mater it is the oppinion of this Court that the Deed of Guift produced by the Said Bundy is not good And thereupon It is ordered and Decreed that the Mallatta Woman and Child be and remaine to the Said James Tooke as Executor to the Said Capt. John Hunt to be disposed of as Per the Said Hunts Will Shee is given and Disposed.

Capt. Richard Sanderson Junior Came into Court and Acknowledged himselfe to be Indebted unto Tobias Knight Esqr. in the full Sume of fifty pounds Current Money of this Province to be Levyed upon his goods and Chatles by way of Recognizance upon Condition that he Shall Stand to and abide the Determination of this Court to be made upon a Controversy mutually <7> Referrd to this Court between the Said Sanderson and Knight Concerneing a Certaine Horse lately pretended to be Sold to the Said Sanderson by Mrs. Eliz. Hunt.

And likewise the Said Tobias Knight acknowledges himselfe Indebted to the Said Capt. Richard Sanderson in the like Sum of fifty pounds to be Levyed as aforesaid on Condition as aforesaid.

And upon heareing the whole mater it is the oppinion of this board that the Said horse be and remaine to the Said Capt. Sanderson as being publickly bought and paid for by the Said Sanderson of the aforesaid Eliza. Hunt.

Mathew Midget allow 2 days Comeing and 2 days goeing and 3 day's Attendance as Evidence for Jno. Smyth.

[*Signed:*]

Tho. Pollock, C. Gale, Tho. Boyd, N. Chevin.

[*April 1713*]

<11>[1] Att a Court of Chancery holden at the house of the Honorable Collonel Thos. Pollock Esqr. in Chowan on the 15th Day of April Anno Domini 1713

[1] Pages <8> through <10> of the manuscript are blank.

Present the Honorable Thos. Pollock Esqr. President etc., The Honorable Thos. Boyd, Na. Chevin, T. Knight Esqrs. Lds. Proprietors Deputys.

Major Christo. Gale Esqr. comes to prosecute his bill of Complaint against Jos. Dereham herein Setting forth that one Richd. Dereham of Bath County was Lawfully Seized of his Demean as of Fee, of and in a certain tract or parcell of Land containing 640 Acres Lying on the North Side of Nuse River and adjoyning to a tract of land or plantation belonging to Capt. Ja. Beard as by a Pattent bearing Date the 10th Day of June 1706 will more fully and large appear: And that the Said Richd. Dereham for a valuable consideration in hand paid by Jno. Lawson of Bath County Gentleman did Sell Aliene and convey the aforesaid tract of Land to the Said Jno. Lawson and for confirming thereof did Nominate and appoint his mother Eliza. Dereham of Bath County to be his Lawfull Attorney to convey the Same to the said Jno. Lawson as in and by a certain instrument in writing bearing date the 12th day of April 1709 doth and may appear: And that the Said Jno. Lawson for and in consideration of the Sume of nineteen pounds Eleven Shillings and three pence Sterling money of great Brittain, did make over all his right Title and interest of the aforesaid tract or parcell of Land unto him the Said Christo. Gale as in and by a certain instrument of writing or Escript ready to be produced doth and may appear but Soe it was that the Said Jno. Lawson was Massacred by the Indians of the Tuscoruroe Nation before the Title of the Said Land was compleated to him by the aforesaid Eliza. Dereham pursuant to the aforesaid Powers granted to her for that purpose by the Said Richard, by which it also came to pass that the Said Jno. Lawson did not compleat and finish the title of the aforesaid Land or Plantation unto him the said Christo. Gale in soe compleat and ample manner as the Strict rules of the Law requires: And further that notwithstanding he the said Christo. Gale hath well and Truly paid the purchase money aforesaid yet by reason of the Death of the Said Jno. Lawson and the Death or Absence of the said Richd. Dereham he is Left remediless in the Law, unless a Secure title to the Said Land may be made to him by the Equity of this Honorable Court Therefore and to prevent all disputes that may arise hereafter concerning the Same, did pray that the aforesaid Jos. Dereham who is Eldest brother <12> and heyr to the Said Richard Dereham in Case he be dead might be Summons'd to appear before this Honorable Court and Shew cause if any he had why he the Said Christo. Gale Should not have his Title to the premises confirmed by a decree of this Honorable Court etc. and the Said Jos. Dereham appeared and put in his answer thereto thereby confessing and allowing all the maners and allegations in the Said bill contained to be true and further that he the Said Defendant is willing that the Said Title and all matters contained in the Said bill may be confirmed and made good to the Said Complainant and his heyrs by a Decree in this Honorable Court.

Whereupon and upon the reading of the Said Bill and answer and all other the Minutes and writings mentioned in the Said bill passed from Rd. Dereham to Jno. Lawson and from him to the Complainant this Day Wee doe declare adjudge, order and Decree that the Said Christo. Gale hath as full absolute and Just right title and interest unto the Said Lands in the aforesaid bill of Complaint mentioned and to every part and parcell thereof as ever the Said Richd. Dereham or any claiming under him had or can have and that the Same doe remaine and continue

unto the Said Christo. Gale and to his heyrs forever without the Least Mollestation or disturbance of or from the Said Richd. Dereham and the Defendant or any claiming from by or under them or any or either of them or their or any or either of their heyrs Executors Administrators or Assignes. Ordered Decreed and entred by us and our order the abovesaid 15th Day of Aprill 1713.

[*Signed:*]

Tho. Pollock, T. Knight, Tho. Boyd, N. Chevin.

Dear and Honored Mother London April the 12th 1709.

Mr. Lawson has paid for me Eleven pounds twelve shillings Sterling money which if my Uncle nor any for him does pay it I hereby impower you to make over and convey to him my Land on the No. Side of Nuse River containing Six hundred and forty Acres which is in discharge of the Said Sume I am indebted to him and this Shall fully impower you As Witness my hand the day and year above written.

Witnesses Richd. Dereham

Lyonll. Reding

Lewis Mitchell

I hereby impower my mother Eliza. Dereham of Bath County in No. Carolina my Lawfull Atturney to convey the land aforesaid to Jno. Lawson and his Heyrs forever Witness my hand

Richd. Dereham

Collonel Lewis Mitchell hath the 21 Janry. Sworne in open Court that he Saw R. Dereham Sign the above premisses before Jno. Nelson Wm. Brice Geo. Bell [*torn*] Miller and record in folio 7 per T. H. Clericus Curiae

Portsmouth Novr. the 8th 1709

<13> I hereby make over all my right title and interest of Six hundred and forty Acres of Land Lyeing on the No. Side of Nuse River in No. Carolina and Joynes of James Beards Land, Called by the Name of Richd. Dereham Land. Witness my hand.

Jno. Lawson

To Christo. Gale Esqr.

Testis Jno. Plumtrett

Rebecca Kirk

Received of Christo. Gale Esqr. the Sume of nineteen pounds Eleven Shillings and three pence Sterling in consideration of my right and Title to the Said Land above mentioned. Witness my hand the day above written.

Recorded per order of the Court of Chancery this 6 day of May Anno Domini 1713.

Per T. Knight Secretary

[*May 1713*]

No. Carolina Ss. Att a Court of Chancery holden at the house of Captain Tho. Lee in Chowan on Munday May the 11 Anno Domini 1713 Present The Honor-

able Tho. Pollock Esqr. President etc., The Honorable Tho. Boyd, Wm. Reed, Chris. Gale, T. Knight, Esqrs. Lds. proprietors Deputys.

Upon reading the bill of Complaint of Wm. Duckenfield Esqr. of the Precinct of Chowan this Day, there in Setting Forth that he the Said Wm. Duckenfield about Sixteen years last past was and yett is Lawfully Seized of his Demean as of Fee, of in one large tract of Land in the precinct aforesaid containing by estimation four thousand Acres of Land bounding on Albemarle Sound Eastward and on Salmon Creek Westward, and being thereof Soe Seized One Jno. Arderne Esqr. coming into this Government being Something related to him the Said Duckenfield by intermarriages, and the Said Jno. Arderne being in Low circumstances and not in possession any Vissible Estate, he the Said Duckenfield the better to gain credit and reputation to him the Said Arderne and to put him in Possession of a Vissible Estate thereby to advance himself upon Good trust and Confidence which he then Secretly reposed on the Said Arderne <14> by his deed Sufficient in the Law bearing date the 31th Day of July Anno Domini [*blank*] did grant bargain and Sell unto the Said Arderne the aforesaid tract or parcell of Land containing Fower thousand Acres, To have and hold the Same unto him the said Jno. Arderne his heyrs and assignes forever which Said Deed mentions that the Same was for and in consideration of the Sume of two hundred pounds in hand paid, when in truth the Said two hundred pounds was not paid nor any part or parcell thereof or intended to be paid nor indeed could the Said Arderne pretend to pay the Same, but the Said Deed was passed for no other reason then what is above alleadged, and further that the Said Deed was not only meant and intended to be in trust to the Use of him the Said Duckenfield, but at the time of the making thereof it was so declared and expressed as well by the Said Arderne as by him in the presence of divers witnesses, and not to the Use of the Said Arderne other than in Case he the Said Arderne Should outlive him etc. And further that the Said Jno. Arderne did as well at the Signing of the Said Deed as at divers times Since Declare to divers persons that he did not pay the aforesaid two hundred pounds And that the Said deed was passed to him for noe other Use intent or Trust whatsoever than that the Same Should absolutely returne to him the Said Duckenfield in case he should outlive him the Said Arderne, and also that the Said Arderne (willing to make knowne to the world the many and uncommon favours which he had received from him the said Duckenfield) by his last will and Testament in writeing bearing date the 22d. day of 8br. 1707 doth make ample mention of the Same and that his intention was to give all his Estate both reall and personal that he was possessed of or Should have right to to him, which he confirms by divers Assevarations in the Said will mentioned as will, doth and may appear: Notwithstanding which divers persons injureously designing to bring in question his the Said Duckenfields title to the aforesaid Fower thousand acres of land (altho he was never out of Possession thereof) doe give out that the Fee Simple of the Said Land is not in him but in the heyrs of the Said Jno. Arderne contrary to the aforesaid Use declared by the Said Arderne and the trust reposed by him the Said Duckenfield And forasmuch as the aforesaid Deed in writing is absolute without any Use declared or expressed therein or without any trust in the Same mentioned and that the aforesaid Will of the Said Jno. Arderne doth

not make express mention that the Same Fower thousand Acres commonly knowne by the name of Salmon Creek were given Devised and bequeathed unto him the Said Duckenfield and his heyrs for lack and want of knowledge in the Law of the Said Jno. Arderne how to use Apt and express words for granting and conveying the Same back again to him pursuant to the Trust reposed by him in the Said Jno. Arderne altho the intention and meaning of the Said Arderne So to doe may be Sufficiently perceived and observed: And the Said Jno. Arderne being now dead <15> who could make appear that the allegations in this bill of Complaint are True and certain, and divers evidencies or witnesses as well to the Said deed as to the Said Will who could prove the aforesaid Use and Trust declared, and divers other witnesses which he could have produced to prove the Same are Some dead, others removed into parts unknowne Some aged and impotent and living farr off and not able to travell to this Court and others being Transient persons etc. Doe therefore pray that a Commission be Issued out of Court directed to Such persons as may be thought fitting to Examine Such Witnesses in pro patriam Rei Memoriam as shall be produced by him the Said Duckenfield for the Proof of the aforesaid Use or Trust etc. and also that by decree of this Court he be relieved in the premisses and the Fee Simple of the aforesaid Land may be adjudged and decreed to him etc. And upon reading the Severall Depositions taken by vertue of the aforementioned Commission out of this Court as also the Will of the Said Jno. Arderne, and upon due and mature consideration therein: This Court are of Opinion that the Said Deed mentioned in the Said Bill was only in Trust and that noe consideration was ever paid or Sattisfyed or intended to be pd. or Sattisfyed for the Same: And it is the opinion of this Court likewise that the Said Jno. Arderne did fully intend and design by his last Will and Testament to give and bequeath the Same lands back again to him the Said Wm. Duckenfield and his heyrs for ever altho Express mention thereof be not made therein.

Whereupon this Court doe Declare Adjudge, order and Decree that the aforesaid Deed be null and void and that the aforesaid Fower thousand Acres of Land Doe Revert Come and Remaine unto the Said Wm. Duckenfield Esqr. and to his Heyrs and Assignes for ever without any the Least Lett Mollestation or hinderance of any person or persons Claimeing from by or under the aforesaid Jno. Arderne his heyrs Executors, Administrators or Assignes or from by or under any or either of them: Ordered Decreed and Entred by us and our order the above 11th Day of May Anno Domini 1713.

[*Signed:*]

Tho. Pollock, Tho. Boyd, N. Chevin, T. Knight, C. Gale.

[*August 1713*]

<16> No. Carolina Ss. Att a Court of Chancery holden at the house of the Honorable Thos. Pollock Esqr. in Chowan on Satturday August the 8th 1713. Present the Honorable Tho. Pollock Esqr. President etc., The Honorable Tho. Boyd, N. Chevin, Xto. Gale, T. Knight, Esqrs. Lds. proprietors Deputys.

Upon Petition of Robert Keell humbly Sheweth to your Honors that your Petitioner as heyr to his Father Tho. Keell did exhibitt (About Five years Last past)

his certain bill of Complaint into this Honorable Court against Augustine Scarbrough therein Setting Forth that the Said Augustine did unjustly detain a certain plantation, which Said Bill of want of Such Sufficient and materiall evidence as your Petitioner now hath ready to produce was Dismissed; Your Petitioner therefore humbly Prays that he may have Leave to bring into this Honorable Court a Bill of Review, And the matter being considered.

It is Ordered and Decreed by this Court that the Said Keell have Liberty to bring in his Said Bill of Review as prayed.

[*Signed:*]

Tho. Pollock, Thos. Boyd, T. Knight, N. Chevin, C. Gale.

[*November 1713*]

<17> No. Carolina Ss. Att a Court of Chancery holden at the house of Captain Thos. Lee on Friday the 6 Day of Novr. Anno Domini 1713. Present The Honorable Thos. Pollock Esqr. President etc., The Honorable Tho. Boyd, N. Chevin, Wm. Reed, T. Knight, Esqrs. Lds. Proprietors Deputys.

Capt. Jno. Pettiver Comes to prosecute his bill of Complaint against Francis Beesley and the Defendant came not whereupon it is ordered that an Attachment Issue for the Cost and if the Defendant appear not the next Court, orderd that the matter therein contained be taken pro Confesso.

Upon an appeall from the Generall Court of this Province held in July last and a Caveat thereon Entered against the granting Letters Testamentary on the last Will and Testament of Steph. Swaine Deceased Came this day Jno. Swaine by Tho. Snoden his Atturney and Pat. Swaine by Edwd. Moseley her Atturney and debated the whole matter on both sides relating to the Vallidity of the Said Will which being duely weighed and considered by this Court, It is their opinion that the Said Will is good and Vallid, And thereupon it is orderd and Decreed that Letters Testamentary be thereon granted pursuant to the true intent, purport and meaning thereof.

Upon Petition of Patience Swaine widow and relict of Steph. Swaine deceased Setting Forth that shee wholly relinquishes her Legacy contayned in her Said husbands Estate and prays that she may have one full third part of her Said husbands Estate both reall and personall for her Portion.

Ordered that Shee have Liberty to relinquish her Said Legacy and that shee hath the Said one third part of the Said Estate.

Upon Petition of Jno. Swaine Executor of the Last Will and Testament of Steph. Swaine deceased

It is ordered that Mr. Jno. Blount Mr. Jno. Porter Mr. Jerr. Vaile and Mr. Jno. Falconar or any three of them doe divide the Estate of the Said Steph. Swaine into three equall parts whereof Patience Swaine widow and Relict of the Said Ste. Swaine Shall have one, the Said Jno. Swaine another and the other third part Shall be By the Said persons above named or any three of them appraised.

Upon Petition of Mr. Ja. Mims and Richd. Davenport Executors of the Last Will and Testament of Math. Giles deceased praying appraisors may be appointed to appraise the Said Estate

<18> Ordered that Captain Jno. Pettiver, Mr. Jno. Falconer, Mr. Tho. Parris

and Robt. Herman or any three of them being first Swome thereto Doe Appraise the Said Estate and make returne accordingly.

[*Signed:*]

Tho. Pollock, T. Knight, Tho. Boyd, N. Chevin.

[*February 1714*]

<19> No. Carolina Ss. Whereas by An Act of Assembly made and ratifyed the 19th Day of Novembr. Last past Intituled an Act for Raising the Sume of Two Thousand pounds etc. Amongst other things it is Enacted, And Whereas many Doubts have arisen concerning the power of the Court of Chancery Acting in any Case where the Commander in Chief has business depending: It is hereby Enacted etc. that any Fower of the members of that Court may Sitt and Determine all Such differences and disputes although the Comander in Chief cannot Sett therein, any Law Usage, or Custom to the contrary thereof in any wise notwithstanding.

In Pursuance of which Att A Court of Chancery mett at the house of Captain Jno. Hecklefield in Little River on Munday the 22d Day of Febry. Anno Domini 1713/14 Where was present The Honorable Tho. Boyd, Na. Chevin, Wm. Reed, T. Knight Esqrs. Lds. proprietors Deputyes.

Upon reading the Bill of Complaint this Day of the Honorable Thos. Pollock Esqr. Robt. West, and Thos. West against the Honorable Xtophr. Barron De Graffenried therein Setting Forth that he the Said Barron de Graffenried by a certain writing under his hand and Seal bearing date the 4th day of March 1711/12 duely Executed etc. did acknowledge himself indebted unto the Said Thos. Pollock in the full and Just Sume of £ 605: 18*s*. Sterling money of great Brittain and to the Said Robert and Thomas West in the full Sume of £56 of the like money and for Securing the payment of the Said Severall Sums to them the Said Tho. Pollock Robert West etc. Did Assign and make over to them their Executors Administrators and assignes all his Estate both reall and personall whatsoever and more especially what he held of his own right and property Seperate and intire as what he held in company with any other person or persons whatsoever, and also his right and Title he had or held by vertue of any grant or Pattent from the Lds. proprietors of this Collony or otherwise whatsoever together with all his right and title, Interest or claime he had to the Pallatine or that arises by means or Acct. of them as also all his Debts Dues or other claimes whatsoever and howsoever becoming due or oweing to him the Said Barron with a Condition that the Said grants and Assignments Should become void and of none Effect if the Said Thos. Pollock his Executors Administrators or Assignes did within three months then next ensuing receive from the Said Barron two Setts of Bills of Exchange <20> amounting to the aforesaid Sume of £605: 18*s*. with one Substantiall and good man of Virginia his Endorsement on the Said Bills payable in London on thirty dayes Sight and the money be paid accordingly and also if the Said Robert and Tho. West their Executors Administrators or Assignes did receive from the Said Barron one Sett of bills of Exchange amounting to the aforesaid Sume of £56 payable Endors'd and paid as aforesaid as by the Said Writings doth and may more at large appear: And further Setting Forth that by the ignorance

and inadvertency of the drawer of the aforesaid Deed the word Heyrs is left out whereby the Fee Simple of the reall Estate cannot pass contrary to the barons intentions and also that the Said baron did not produce or tender to them nor did they receive any Such Setts of Bills within the time Limitted or any time Since according to the Tenour and purport of the aforesaid recited condition nor has the Said Baron as yet paid or Sattisfyed to them or either of them or to their or either of their Uses, the Said Severall Summs of £605: 18s. and £56 or any part thereof or any Interest due thereon from the Expiration of the Said three months soe allowed for their receiving, the Said Severall Setts of Bills from the Said Barron according to the condition reserved in the Said writing as aforesaid And further that for Want of the Said Barrons complying with and performing the Said condition notwithstanding the word Heyrs is not mentioned in the Said Deed the Said Barrons whole Estate and all his right Title Interest and Claims therein and thereto mentioned incerted and intended to be granted and assigned in and by the Said writing and every part and parcell thereof did and doth actually Accrew and of right belong unto and ought to be invested in them etc. And further Setting Forth that the Said Barron intending to defraud and defeat them the Said Tho. Pollock Robt. West and Tho. West of their Just debts as aforesaid with the interest due thereon and also of their undeniable right to his the Said Barrons Estate Soe accrewing to them by vertue of the Said Writing as aforesaid And that the Said Writing might become invallid and of none effect for want of the word (Heyrs as aforesaid) And before the Same was or could be regularly put in prosecution according to the Due Course of Law or otherwise remedyed by Equity against him the Said Barron, he the Said Barron did withdraw himself Secretly out of this Government into places remote and unknowne to them without taking any other or further Care, for the paying Securing or otherwise Sattisfying their Said Debts then as aforesaid whereby they are left wholly remediless Save by a decree of this Court thereby impowering them theyr Heyrs Executors Administrators and Assignes by vertue of the Said <21> Writing to take into their Custody and Possession all and every the Said Barrons Estate both reall and personall together with all his right title Interest and claim thereunto granted Assigned and meant and intended to be granted and assigned to them by the Said Writing Soe given and Executed as aforesaid and that they may by Such decree be further Enabled to dispose thereof to their own Use and Uses or to such other use and uses as to them shall Seem meet and expedient And further that for as much as the cannot by reason of the Said Barrons withdrawing himself, and for want of the word Heyrs as aforesaid they cannot have any Course at Common Law Doe Pray that Such a decree as aforesaid may pass in this Court or Some Such other decree as may impower and inable them to recover their Severall Debts as aforesaid withall all Such interest that now is or Shall hereafter become due thereupon, together with Such reasonable charges as they already have been or hereafter shall be at or expend in or about the Said Barrons Estate and other the premisses Soe granted and Assigned by the Said Writing as aforesaid etc. And also to grant unto them her Majestyes most gracious Writt of Subpoena etc. And the Said Deed also mentioned in the aforesaid Bill being likewise read and the whole matter being duely Weighed and considered by this Court it is their opinion that the Said Deed was fully and absolutely meant and

intended by the Said Barron to be a good and Sufficient Mortgage to the Said Thomas Pollock Robt. West and Tho. West and to their heyrs and assignes for ever of all the Said Estate both reall and personall therein mentioned and intended Notwithstanding the Word Heyrs is therein omitted: And it plainly appearing to this Court that there was a good and Sufficient consideration actually and bona Fide pd. by them the Said Tho. Pollock Robt. West and Tho. West as in the Said Deed is exprest

It is hereby adjudged Ordered and decreed that the aforesaid Deed be Deemed Construed and taken to be a good and Sufficient Mortgage in the Law against all and Singular the Estate both reall and personall, therein mentioned and expressed to them the Said Tho. Pollock, Robt. West, and Tho. West their Heyrs Executors Administrators and assignes: but forasmuch as the Said Tho. Pollock Robt. West and Tho. West have of their own Free Assent condescended that a further time of redemption may be granted for the Said Barron, It is further decreed that a further time of two years after the Date hereof be allowed to the Said Barron for redeeming the Said Mortgage discharging and allowing all interest and other reasonable disbursements and Charges as Shall appear to be due at Such time of redemption and upon failure thereof that the Said Tho. Pollock Robt. West and Tho. West their heyrs Executors Administrators and Assignes may fore Clause the Same as if the Said Mortgage had been fully and amply drawne to all intents and purposes: And forasmuch as it doth further appear to this Court that by a grant from the Lds. proprietors the Said Barron had a right to take up 5000 Acres of Land for which he has paid the proprietors and the Same not yet <22> Taken up, It is further Decreed that the Said Thos. Pollock Robt. West and Thos. West may take up the Same following and observing the Same rates which was to be observed by the Said Barron and that the Same is redeemable as aforesaid, And Likewise that they may compleat another Survey of 10000 Acres not yet compleated by the Said Barron, And for which also he has a grant from the Said Lds. proprietors And it is further Decreed that notwithstanding pattents may be taken out by the Said Tho. Pollock, Robt. West and Tho. West or of them for all or any the aforesaid Lands or any Sales Leases or Grants may be thereof or of any part thereof made by them or any of them the Same Shall nevertheless be under the Same equity of redemption as in this Decree is before exprest.

[*Signed:*]

Tho. Boyd, N. Chevin, T. Knight.

[*April 1714*]

<23> No. Carolina Ss. Att a Court of Chancery holden at the House of Captain Jno. Hecklefield in Little River on Wednesday the 27th Day of April 1714 Present The Honorable Tho. Pollock Esqr. President etc., The Honorable Tho. Boyd, Na. Chevin, Wm. Reed, T. Knight, Esqrs. Lds. Proprietors Deputyes.

Upon Reading the Bill of Complaint of Emll. Cleave this Day therein Setting forth that he was for Some considerable time Provost Marshall of the County of Bath, During which time one Tho. Harding Defendant to this his bill of Com-

plaint was committed to his Custody by Lawfull Process for divers Crimes and misdemeanors for which committment imprisonment and releasment he did demand and receive the Usuall and Lawfull Fee in Such cases allowd and noe more but So it is that afterwards (videlicet) at a Court held at Bath Town for the Precincts of Hyde and Beaufort on the 6th day of Janry. 1712 the Said Harding did Exhibbitt an information to the Said Court against him the Said Cleaves therein most falsely and malitiously insinuating that he had extorted illegall and exorbitant Fees contrary to the Act of Assembly in that behalf made, whereupon the Said Court did cause judgment to be entered against him the Said Cleaves, So that his body or goods Lyes Liable to be taken in Execution unless relieved etc. Contrary to Equity etc. Therefore Prayes Injunction in this Court etc. also that a Subpoena may be directed to him to the Harding and that by Decree of this Court the Said Judgment may be reversed and he the Said Cleaves may have Such farther relief in his Cost and damages as may Seem [exact] etc. and the Said Harding appeared and made his defence thereto and the matter being debated on both Sides and duely considered by this Court

It is hereby Adjudged, Ordered and Decreed that the aforesaid Judgment of the Precinct Court be and is hereby reversed annulled and made void and that the Said Hardin pay and discharge all Cost by the Said Cleaves in this behalf Susteyned as well in the precinct Court as in this Court alias Execution.

Upon Complaint of Jno. Durant a Yawpim Indian Setting Forth that when he was out against the Indian Enemy under the Command of Mathew Midgett, he the Said Durant tooke an Indian Slave Woman and the Said Midget took her away from him without any Sattisfaction: And the matter being heard it is the opinion of this Court that the said Slave Woman did belong to the Said Durant wherefore it is hereby orderd and Decreed that the Said Mat. Midget doe pay unto the Said Durant Ten pounds in consideration of the Said Slave.

<24> Upon reading this Day the Bill of Complaint of James Tooke Merchant against Miles Cary therein Setting Forth that whereas one Danll. Akehurst Esqr. by his Last Will and Testament bearing date the 11 Xber. 1698 did and bequeath unto his Daughter Filia Christi among other Legacies therein Expressed all his concerns in Carolina by Form and Vertue of which Bequest and the will aforesaid one Jo. Jordan by an intermarriage with the Said Fillia Christi the only Daughter and heyr of the Said Daniell became Lawfully Seized and possessed of all and Singular the goods and Chattles and other Estate of the Said Daniell in Carolina and particularly of one negro Slave called Stephen which the Said Joseph held and enjoyed for the Space of twelve years and further that he the Said Tooke purchased the Said Slave of the Said Joseph and being in a Lawfull possession thereof by the Lawfull Sale and delivery in Markett overt of the Said Joseph, one Miles Cary of Virginia by Collusion pretending a right or title from one Anne Akehurst widow in Virginia to the Said Slave altho the Said Joseph had been possessed thereof for the Space of Twelve years as aforesaid Commenced an Action of Trespass against the form of a Statute made by the Grand Assembly of this Province Intituled an Act Concerning Servants and Slaves against him the Said Tooke in the Generall Court of this Province and thereupon Declared that he the Said Tooke did on the 27 of Janry. Last past, harbour Entertain keep and

unjustly detain a runaway Negro Slave of him the Said Miles called Stephen and that he well knew the Said Slave was the Lawfull and rightfull Slave of the said Miles and further demanded the Said Slave to be returned unto him as also the Penalty of the Said Act and also for his further Damages one hundred pounds and Declares his Damage Susteyned in and by the premisses to the Valew of £500 when in Truth he was no ways Liable to the Suite grounded on the aforesaid Act or Statute he coming Lawfully to the possession of the Said Slave as aforesaid To which uncertain and insufficient declaration altho he might have taken just exception and demurrd thereto, yet having given his promise to the Said Miles that he would bring the Same to tryall the next Court after the Declaration filed well Knowing the advantages to And to Set aside any judgment if any Should be given upon Such an unwarrantable [Decree] did very unadviseadly and rashly plead the Generall Issue upon which Issue taken <25> The Jury Sworne and Charged brought in their Verdict for the Plaintiff upon which Verdict the Court proceeded to give judgment to the Said Tooke by his Atturney prayed that he might be heard with refferrence to the insufficiency of the said Verdict etc. and to [wrest] judgment if any therein be given Whereupon he had day given till the Second day of the Generall Court, all which time he by his Atturney gave Severall reasons against the Vallidity of the Verdict and assignd Severall Errors in the Declaration and process Sufficient to Set aside any Judgment that would have been given thereon etc. but So it is that the Justices of the Generall Court notwithstanding gave judgment against Same as Well for the Said Slave which was not warranted by the aforesaid Act and which he bought in Markett Overt etc. as also for £92 10s. Damages under pretence of which for every twenty houres Detention of the Slave etc. contrary to Equity and good conscience etc. And he being altogether remediless unless relieved by this Court etc. prayes her Majestyes most Gracious Writt of Certiorari to be directed to the aforesaid Justices commanding them and every of them to certify the whole record of the premisses etc. and that they forbare putting in Execution the Said Judgment etc. and further prays a Subpoena etc. And the Said Miles Cary by Danll. Richardson Esqr. his Atturney appeared and pleaded thereto, and the matter being duely debated on both Sides and Considered by this Court: It is the opinion of this Court that the Said Judgment mentioned in the Said Bill is not Warranted nor maintained by the Act on which the Said Action was brought and it also appearing to this Court that the Said Ja. Tooke came by the Said Negro by good and Lawfull Sale:

It is hereby Adjudged ordered and Decreed that the aforesaid Judgment obtained in the Generall Court be and is hereby released and discharged and that the Said Cary pay Costs alias Execution.

Upon reading the bill of Complaint of Jno. Blish merchant this Day against Captain Richd. Sanderson Esqr. therein Setting Forth that Whereas he was on the first Day of April 1713 Lawfully possessd of two Indian Slaves namely a woman called Anne and a female Child, which Said Slaves he Shipt and Consigned to his Correspondence in New England, but they made their Escape and run away before they gott out of this Government and one Capt. Richd. Sanderson <26> who is Defendant to this his bill in Some Small time afterwards happened by Chance to take up the Said Slaves which he Soon [hearing] off

went and demanded them of him offering him above the common Salvage which the Law allows a Sufficient Gratuity but the Said Sanderson not onely then utterly refused to Deliver him the Slaves but Since that time hath Shipt them to New England made Sale of them and converted the proffitts to his own Use etc. contrary to all equity and good Conscience, And further that he the Said Blish did Commence Suite at the Common Law to the Generall Court of this Province against the Said Sanderson and at a Court holden in 8br. last past had a hearing for the Same and after Issue Joyned and the matter debated he the Said Blish had a verdict of Twelve good and lawfull men for the Sume of £20 in consideration of the aforesaid two Slaves with Costs but So it was that the Said Sandersons atturney after Such Verdict moved in a Writt of Judgment and thro Some Error inadvertency of his the Said Blishes Attorney in the process or Declaration thereon Set the Said Judgment aside Since which his Said Atturney is Dead and has either Lost or mislead all his papers and other Evidences concerning the Said Slaves So that he is not capable of Commencing his Suite at the Common Law again, Whereby he is left wholly remediless unless relieved etc. Do therefore pray that the Said Sanderson may be compelld by a decree of this Court to pay unto him as well all such reasonable cost and Charges already Susteyned as the neat proceed of the Said Slaves or Such reasonable price as Shall be thought fitt etc. to which End he also prays a Subpoena etc. And the Said Sanderson appeared in Defence of the Same and the matter being Debated on both Sides and duely considered by this Court, It is the opinion of this Court that the Said Slaves was taken up as runaway Slaves and that the property thereof was still in the Said Blish.

Whereupon it is hereby adjudged Ordered and Decreed that the Said Sanderson pay unto the Said Blish the Sume of Thirty pounds in consideration of the Said Slaves with Costs.

<27> A Bill of Complaint of Jos. Sutton the Younger, being called and the Defendant not appearing: It is ordered and decreed that the Said Defendant make his appearance at the next Court and make answer to the Said bill otherwise the matter therein contayned will be taken pro Confesso.

Samll. Woodward's Bill of Complaint against Jona. Bateman being called and the Defendant not appearing: It is Ordered and Decreed that the Defendant make his appearance at the next Court and make answer to the Said Bill otherwise the matter therein contayned will be taken pro Confesso.

A Bill of Complaint of Tho. Peterson against Juliana Laker Widow being Called and the Defendant not appearing:

It is ordered and Decreed that the Said Defendant make her appearance at the next Court and make answer to the Said Bill otherwise the matter therein conteyned will be taken pro Confesso.

Upon reading a bill of Review between Robt. Keell Complainant and Augu. Scarbrough Defendant And the Question being put whither the Said Bill should be admitted or not

It is the opinion of this Court that if the Said Complainant by his Atturney to the next Court of Chancery can produce from good Authority that bills of Review

has been admitted in the Chancery Court in great Brittain in Cases Parrallell with this then the Said bill to be admitted.

[*Signed:*]

Tho. Pollock, T. Knight, Tho. Boyd, N. Chevin.

[*August 1714*]

<28> North Carolina Ss.

Att a Court of Cancellariae holden at the house of Major Jno. Hecklefield in Litle River on thursday the 17th day of Augt. 1714 Present the Honorable Charles Eden Esqr. Governor Capt. Generall and Admirall etc., The Honorable Thos. Pollock, Na. Chevin, Thos. Boyd, Wm. Reed, C. Gale, Fra. Foster Esqrs. Lds. proprietors Deputys.

The Bill of Complaint of Thos. Peterson against Juliana Laker widdow being this day read and the said Defendant not appeareing to make Answer thereto Notwithstanding by a Decreetall order of the last Court for want of her then appeareance It was ordered that the matters in the Said bill should be taken pro Confesso provided Answer was made thereto this Court

Wherefore It is hereby Adjudged Ordered and Decreed that the Said Juliana Laker doe pay and Satisfy unto the said Thos. Peterson the Sume of Two hundred pounds being the Damages mentioned to be Susteyned in the said Bill unless Sufficient Cause be Shewn by Answer to the said Bill within Twelve days next ensueing.

The Bill of Complaint of Robert Keele Complainant against Anne Scarbro' widdow Samll. Wilson and Mary his wife Defendants being this day read the Said Defendants appeared and pray'd time till the next Court to put in their Answer thereto which being Considered of by this Court

It is Ordered that the Said Defendants have time till Munday Seavenight to put in their Answer to the Said Bill and noe longer.

The Bill of Complaint of Jas. Sutton the Younger against Thos. Collins and Allexandris his wife Defendants being this day read The said Defendants appeared and pray'd Judgement of this Court whether the Said Bill did regularly lye before this Court or Not.

<29> And the said matter being Argued on both Sides and Considered of by this Court It is their oppinion that the Said bill dos lye and that the Said Defendants doe make Answer thereto or Demurr in writeing by Tuesday next.

The Bill of Complaint of Jno. Palin Complainant against Joseph Glaister and Mary his wife Defendants being this day read, It is ordered that the matter be referred till the next Court and that then the matters in the Said Bill Conteyned be fully Answared or taken pro Confesso.

The bill of Complaint of Griffith Jones Complainant against Robert Morgan Defendant for want of Sufficient Answer is referred to Munday Seavennight.

The bill of Complaint of Giles Suite being this day read against Thos. Sparrow And the Defendant not appeareing It is Ordered that the Said Sparrow make his appearance at the next Court in Octor. next and make Answer pleade or Demurr thereto Or the matters therein Containd shall be taken pro Confesso.

Then this Court adjourned till Munday the 23d Instant.

Munday the 23d. of Augt. this Court met again present utt Supra except Collonel Thos. Pollock who was absent.

Pursuant to a former order of this Court the Bill of Complaint of Thos. Peterson was this day read therein Setting forth that he the Said Peterson about Six or Seaven Yeares past being possessed of Divers goods wares and Merchandize household Stuffe and divers Summes of Money to a verry Considerable vallue to the End that Juliana Laker of the precinct of Pequimons widdow might the beter bring to pass indirectly and dishonestly to gain into her Custody and possession all or most part of the Said Money and Goods and by that meanes defraud him the said Peterson thereof by Continuall and Sinister practice instigation and perswasion <30> Then allured provoked and inticed Johanna his wife to grow to Some variance and discord with him and to Convey in to her the Said Defendants keepeing all or the most part of the Said Money or goods promiseing that the Same should be ready and forth comeing to and for the benefit and advantage of her the Said Johanna. And farther that by the said Sly and wicked insinuations etc. of her the Said Defendant and divers other persons by their Meanes and procurement to him unknowne his Said wife about five or Six Yeares Since and at Sundry times before and Since did Eloine imbezle and Convey away from him Severall Summes of Money divers parcells of Goods household Stuffe and Implements of household to a very great vallue the Certainty whereof he knoweth not but is induced to beleive that it doth amount to Two hundred pounds at least and delivered or Caused the Same to be delivered to the Said Defendant Or Soe Contrived that the Same should Come to the Custody and possession of the Said Defendant or of Some other person or persons by her meanes and procurement Whereof he the said Peterson by Some good meanes haveing had Intelligence hath Sundry times used Speech and Communication with the Said Defendant and in gentle and freindly maner required to have a true Account of the Said Money and Goods Soe imbezled as aforesaid to be to him restored or to have Some Satisfaction and recompence for the Same which She the Said Defendant hath utterly refused and Still doth refuse Whereby he is like to be thereof utterly defrauded to his verry great Loss etc. Contrary to right Equity etc. unless releived in this Honorable Court For as much therefore as he knoweth not the names or Number of all the Said Confederates nor the severall and Certaine times wherein the Said Money and goods were Conveyed away as aforesaid nor the quantity Nature or Vallue of them whereby to make any Lawfull demand or to Comence any Action by the Strict Course of the Comon Law against her the said Defendant or any of her Confederates for these verry great wrongs Damages and Injury's as aforesaid but that the truth Certainty and Knowledge of all these matters and things doe rest in the private and proper knowledge of her the Said Defendant who noe doubt upon her Corporall Oath will disclose and make knowne the truth and Certainty of all these matters before mentioned To the end therefore that shee may Soe doe and in perticuler set forth and discover make <31> knowne and Set downe at what time and times the said Defendant hath ever received or hath had in her Custody or possession any goods Wares Merchandize household Stuffe Summe or Summes of Money or other thing whatsoever of the said Johanna or from any person or persons by her meanes privity Consent or

procurement Since the Intermarriage of him the Said Peterson with the Said Johanna And also the Quantity and quallity thereof that he may have his Just right and what is due unto him humbly prays that a Writ of Subpoena may be directed to the said Juliana Comanding her etc. And that shee may be obliged by decree of this Court to pay to him the full vallue of all Such goods etc. as She hath had or received as aforesaid etc.

And the Said Defendant appeared and put in her Answer upon Oath to the Said Bill and therein Saith that shee never did by any Sinister practice, instigation or perswasion allure provoke and intice the said Complainants wife to grow to Some variance and discord with him to Convey into her the said Defendants keeping any goods Wares Merchandizes household Stuffe or Summs of Money etc. Neither doth shee know what goods Wares Merchandizes household Stuffe or Summs of Money the Said Complainant was possessed of Six or Seaven Years past with which She is Soe unjustly Charged to get into her keeping Soe that thereby it is impossible that shee Could promise to the Complainants wife that they shoud be forth Comeing for her Advantage and benefit Neither hath Shee this Defendant ever made any Such promise to the Said Complainants wife. And this Defendant further Saith that the said Complainants wife never did Deliver or Cause to be delivered to her any goods Wares and Merchandizes household Stuffe or Sums of Money belonging to the Said Complainant as she this Defendant doth or Can remember Except Six Yards of blew Linnen and ten yds. of Ash Colloured Cotton for which the said Complainant hath in an Account of Sundry's Charged this Defendant And also except (as one Neighbour might borrow of another) she hath borrowed Severall Small things at divers times as butter, Milk, Cheese, a loafe of Bread an Ax a Hoe or such like things the perticulers whereof she Cannot well remember but shee allway's returned them to the said Complainant's wife or made to her Satisfaction to the full Vallue thereof without that that any other mater or thing etc. <32> And pray's to be Dismiss'd with Costs etc.

Whereupon the Said Peterson by Edwd. Moseley his Attorney pray's a Comission out of this Court ad Exc. Testes. And this Court haveing duely Considered the whole matter It is their oppinion that the Said Bill is fully Answared And thereupon

It is Adjudged Ordered and Decreed that the Said Bill be dismissed and the Complainant pay Costs.

Pursuant to a former order of this Court the bill of Complaint of Robert Keele against Anne Scarbrough widdow Samuell Wilson and Mary his wife was this day read And the Defendants by Edward Moseley their Attorney Came and Demurred thereto And the Said Complainant by Daniell Richardson his Attorney objects against the Said Demurrer and prays that the Said Defendants may make Answer to the Said Bill pursuant to the aforesaid order of this Court And the mater being Considered by this Court It is their oppinion that the Said Demurer dos not lye And the said Defendants thereupon Caves day till next Court to put in a full and perfect Answer to the Said bill Whereupon

It is Ordered and Decreed that the Said Defendants doe make Answare peremptorily to the matters in the said bill Conteyned at the next Court to be holden on

the third day of the next Generall Court or on failure there of that then the maters therein Conteyned shall be taken pro Confesso.

Then this Court adjourned till tomorrow morne and then met againe.

Pursuant to a former order of this Court the Bill of Complaint of Griffith Jones was this day read against Robert Morgan Defendant therein Setting forth that he the Said Jones On or about the 9th day of July 1711 did agree with one John Bishop of pascotank Precinct for a tract of Land lying in the Said precinct Conteyneing by Estimation 640 Acres then the lands of <33> the said Bishop as he pretended and was to pay him for the Same Twenty four pounds in fresh pork And that he the Said Jones entered into one bill or obligation for the payment thereof And further that he then and for a Considerable tyme after did beleive that the said Bishop had a good Lawfull and Indefeazeable right and title to Sell and Convey the Said Land to him the Said Complainant and that he wou'd have done the Same Accordingly, And thereupon he did at Severall payments (tho' unadvisedly and in his owne wrong) pay off and discharge from the Said Bill or bond the Sum of £22 5*s*. or thereabouts as apeares by the Severall Indorsements thereon etc. And farther that he did afterwards Sell and deliver to the Said Bishopp and to his use divers goods and Merchandizes amounting to a greater Vallue than what remained as is pretended due and unpaid on the said Bill in Case he had been really Compellable to have pd. The Same as by an Account Legally Sworne to and ready to be produced may appeare And farther that at a Court held at Pasquotank precinct aforesaid the 21st of July 1713 It was ordered that he the Said Jones take out an Attachment for the Summe of £12:3:6 the ballance of Accounts with Costs of Suite against the Estate of the Said Bishop where to be found in the Said precinct which said order was make long Since the Said bill or bond was given and is also ready to be produced. And further that he did not enter into nor give the Said Bill or Bond upon any other Account or Consideration whatsoever then for the aforesaid tract of Land and this he Charges for truth and thereupon Says he was nor is noe way's lyable or Compellable especially in equity to pay the Same or any part thereof unless the Said land had been made over and Convey'd to him Yet notwithstanding he has Soe overpaid the Same as aforesaid the said Bishop never did nor yet has made appear any maner of title he had to the Said Land or any part thereof tho' he has been often requested by him Soe to doe and also to Convey the Same to him as he ought to have done according to the aforesaid treaty and agreement but as he the Said Jones is Since informed the Said Bishop had noe right or title to Sell Convey or otherwise dispose of the Said Land for upon Search made in the Secretarys Office noe returne of any Such Survey Can be found or that ever any pattent was granted to the Said Bishop for the Same or any part thereof And farther sheweth that before he Could take any legal <34> Remedy against the Said Bishop for Such his unjustifiable practices he withdrew himselfe out of this Government And that after he had Soe withdrawn himselfe he did on or About the 13th. of July 1713 Assigne his right title and Interest in the Said bill or bond to one Robert Morgan as by the said Assignement ready to be produced may appeare but as he the Said Jones is informed it was only in Consideration

that the Said Morgan shou'd Act as his lawfull Attorney to make up and Setle all his Debts and other maters with his Creditors and at the Same time did give him a Leter of Attorney for his Soe doeing the which as yet he has not produced or proved nor indeed done any Act in Lieu of the aforesaid Consideration but absolutely refused Soe to doe whereby his pretentions to any right of the Said Assignment is become void And further that Notwithstanding the aforesaid premises the Said Morgan Intending to wrong and Cheat him the Said Jones (by virtue of the aforesaid Assignments) of the Money pretended to be due on the Said Bill or bond did at a Court held for the aforesaid precinct in Janry. 1713/14 obteyne a verdict against him the said Jones for £5:5*s*: as Soe much due on the Said bill or bond together with Costs whereupon he appeals to the Generall Court held in July last but for want of Some perticular proceedings (which were never heretofore used in the Said Court As he is informed and verily beleives) the Said appeale was dismiss'd and he left remediless Save in this Court etc. Wherefore and for as much as he Cannot be releived else where and that his witnesses who Cou'd very perticularly prove the Aforesaid Charges etc. are either dead or gone in to parts unknowne to him and the Said Bishops Soe withdrawing himselfe whereby he the Said Jones Can have noe remedy against him nor against the Said Morgan at Comon Law doe humbly pray's that the Said Judgement may not only be Set aside but likewise that the Said Bill or bond may be declared and Decreed to be void and of none effect and that Such further and other releife may be granted as shall Seeme most agreeable with equity etc. To that end therefore and that the maters may more plainly appeare he further prays that the Said Morgan shall on his Coporall Oath a true and perfect Answer make to all and Singuler the premisses And in perticuler whether he doth not know has heard or beleives that the aforesaid bill or bond for £24 Soe given by the Said Jones to the Said Bishop was not for and in Consideration of the aforesaid Tract of Land or for what other Consideration <35> And whether he beleives the Said Bishop had any and what right and Title to Sell and Convey the Said Land And whether he doth not know hath heard or beleives that the Said Bishop did stand Indebted to him the Said Jones in a greater Summe then the Said bill or bond amounted to at the time of his the Said Bishops assigneing the Same to him the Said Morgan and how much he might then stand Soe Indebted to him And whether he beleives in his Concience that the Said Jones ought to pay the Said Bill And to Set forth his reasons for Such his beleife And whether the Said Bishop did not withdraw himselfe from his Creditors without Conveying the Said Land to him or otherwise Satisfyeing him and whether after his Soe withdrawing himselfe he did not assigne the said Bill to him in Consideration of his Acting as his Attorney as is before alleged or upon what other Consideration and when how and to whome the Said other Consideration (if any) was paid and Satisfyed And whether he had not a Leter of Attorney from the Said Bishop to Act as is before alledged and where the Same is and why he refused to produce and prove the Same and to Act according to the tenour thereof and may also Set forth what he further knows has heard or beleivs touching or Concerning the aforesaid premises, he pray a Writ of Subpoena etc.

And the Said Morgan Came and on his Corporall Oath for Answare Saith that Saveing to himselfe all advantages etc. that true it is that he the Said Defendant

Since the Comenceing this Suite against him has heard that the Said Sume of £24 mentioned in the Said Bill of Complaint was for and in Consideration of a tract of Land as in the Said bill is Specifyed but he neither knows nor beleivs the Same to be true And he further Saith that he knows not for what Consideration the bill or bond in the said bill of Complaint was pass'd and what right and title the Said Bishop had to the Said Tract of Land he knoweth not, nor whether he was Indebted to the said Complainant in a greater Summe he doth not know And he dos beleive in his Concience that he ought to pay the Money due by the Said Bill or bond because he past it as this Defendant beleivs as his Act and Deed Saith further that he doth not know any thing of or Concerning any agreement bargain or Contract relateing to the Said Land between the Said Bishop and the Said Complainant Saveing what he hath heard from the Complainant And that the Consideration for which the said Bill was Assigned to this Defendant was that he shoud pay Severall Debts for the Said Bishop which was <36> then due and is Since paid And the Said Defendant Confesseth that he did receive a Leter of Attorney from the Said Bishop without that that any other mater or thing in the Said Bill Conteined etc. as per Answer.

And the mater being debated on both Sides and Considered by this Court It is their oppinion that the Said Bill was pass'd in Consideration of the Said Land as mentioned in the Said bill of Complaint And the Land was never made over pursuant to Such agreement neither dos it appeare to this Court that the Said Bishop has any right or title to the Same

Wherefore It is hereby Adjudged ordered and Decreed that the Said Bill or bond be and is hereby declared void and of none effect as also the order or Judgement of the said precinct Court be also Set aside And that the Said Robert Morgan pay Costs of Suite.

No. Carolina

Wm. Ross of Pasquotank precinct in the County of Albemarle Aged 50 Yeares or thereabouts maketh Oath that he was witness to a bill or bond now in Dispute between Mr. Griffith Jones and Robert Morgan as Assignee to John Bishop which said Bill being for £24 in fresh pork was given as this Deponent verrily beleives and to the best of his remembrance in Consideration of Some Land which the Said Jones then bought of the Said Bishop.

Augt. 23th 1714 Wm. Ross
Juret Cora me
N. Chevin

[*October 1714*]

<37> North Carolina Ss.

Att a Court of Chancery holden at the house of Major Jno. Hecklefield in Little River on Thursday the 28th. Day of Octobr. 1714 Present the Honorable Charles Eden Esqr. Governor Capt. Generall and Admirall etc., The Honorable Tho. Boyd, Christo. Gale, Fra. Foster Esqrs. Lds. Proprietors Deputyes.

The Bill of Complaint of Giles Shute against Thos. Sparrow being this Day read, The Said Sparrow by mr. Edwd. Moseley his Attorney alleadges that by

reason of Sickness he was incapable of appearing at the Court to make answer and Produced Mr. Jno. Salley who made Affidavit thereof and There upon the Said Sute is continued till the next Court.

The Bill of Complaint of Jno. Palin against Jos. Glaister and Mary his wife being this day read therein Setting Forth as per Bill, That his Grandfather Late of the precinct of Pasquotank Deceased was in his Life time Lawfully Seized in his Demeasn as of Fee off and in one certain plantation and Tract of Land containing Seventy Five Acres Lying and being on the So. West side of Pasquotank river, beginning at a dogwood Wm. Cartwrights Corner Tree by a Swamp running thence So. East, 62 pole to a white oak Wm. Cartwrights corner Tree thence So. 45 East 116 pole, then No. 65 East 132 pole, then So. 60 East 20 pole to a Pine at Popes head reach then down the Said River of Pasquotank 20 pole to a Pine, then No. 50. West 10 pole, then So. 60 West 104 pole, thence So. 20 West 48 pole, then So. 15. East 52 pole to a pine by the Swamp of Nobbs Crook Creek, then bounding on the Same by Various Courses to the first Station, as in and by a Survey thereof made and duely returned into the Secretarys office for this Government doth and may appear, and being Soe thereof Seized his Grandfather Dyed Intestate, So that the aforesaid Plantation and Tract of Land Lawfully and rightfully Desscended unto him as being the next Surviving Heyr at Law to his Said Grandfather and Further he being an Infant at the time of the Death of his Said Grandfather and therefore not capable to assert and maintain his undoubted and Just right to the premises aforesaid one Mary Clarke his the Said Palins Aunt now the wife of Jos. Glaister of the precinct aforesaid Defendants to this his <38> Bill of Complaint taking advantage of his Infancy as aforesaid imediately after the Death of his Said Grandfather which was about thirteen years agoe Entered upon the aforesaid Plantation and Tract of Land and the Same hath ever Since most wrongfully possessed and withheld from him, And the Said Joseph Glaister and the Said Mary his Wife Still doth most wrongfully withhold the Same from him contrary to all equity and good conscience; And he the Said Palin further Sheweth that at a Generall Court held for this Government in March Last did Sue and implead the aforesaid Jos. Glaister and Mary this wife for the aforesaid premisses but because he could not produce a warrant, and Rights for the aforesaid Survey altho' he can Sufficiently make appear that there was both, but are either Lost or mislaid in the Secretarys office or because he had not a Pattent duely granted on the aforesaid Survey, which by reason of his infancy and the unsettled State of this Government Since he became of age he could not obtaine or for want of Some materiall evidences which he is now ready to produce, the Jury then found against him contrary to all equity and good conscience; and forasmuch as he is like to be wronged and utterly defrauded of his Just and Lawfull right of inheritance unless relieved by the aid and assistance of this Honorable Court and therefore prayes her Majestys Most Gracious Writt of Subpoena etc.

And the Defendants came and upon Sollemn affirmation for Answer Sayth The Land and Plantation at Nobbs Crook was Setled by Parson Jno. Wood in or about the year 1679 who put a Tenant one Ross upon the Said Land, who did hold the Said Plantation of him the above named wood, and after Some considerable time the Said Wood had occasion to returne to Europe, and at or Some time before his Leaving this Government he appointed and ordained Henry Palin our

Father to be his Atturney entrusting him with his Chattle Estate to receive his Tobacco due to him, he having been parson of the Place and also to have his Stock of Cattle and plantation at Nobs Crook in his Possession and by vertue and power of the Said trust and Atturney Ship did Henry Palin hold the Said goods and Land in his possession; The aforesaid Jno. Wood tarrying in Europe untill it became the common opinion of People that wood was dead: And the Said Wood having declared before his going out of the Country that if he did not returne then Henry Palin Should have the Plantation, upon which Promise and Supposing him to be Dead Henry Palin having not heard from him for a long time, did Survey the Said Land in his own name in the year 1698 it having been quietly and Peaceably possessed by Wood his Tenant and Atturney from the year 1679 being near or about 19 years in Woods possession, In the time of which 19 years there was a Law made and provided in this Collony, Intituled an Act for Limitation of Claimes of Land in which Act it is contained that the Peaceable possession of any Land without Sute or Action for the Space of Seven years Shall be a Sufficient confirmation to the Possessor, And Shall conclude the claime and Tytle of the Pretender and their heyrs for ever: And this Law being made by the Authority of the Lds. proprietors they did thereby <39> confirm the Tytle of the Possessor wood having possessed the Same above 12 years at the Same time when that Law was made and Enacted, And further there is law in this Government intitled an Act for the entring of Lands and accepting the Lds. proprietors property in which it is enacted that the Clark of every Precinct Court Shall make all entryes of Lands within their Precinct and the Surveyor or his Deputy or Deputyes Shall not Survey any Land untill he have a copy of the Said Entry Delivered to him, and all Entryes and Surveys made contrary to this are Null and Void to all intents and purposes as if the Same had never been made: And Wee have Searched the Clarks office and doe find that due Entry's of Land have been and are kept from the year 1689 being above or near 9 year before the date of that Survey and that there is no Entry of that in the Clarks office as may Appear by a certificate under his hand, So by the Said Law the Said Survey is null and void to all intents and purposes as if it had never been made, Also Mary Clark did a long time ago enter Some Land near or adjoyning to Nobs Crook and procured Warrant and Rights in order for the Surveying the Land Soe Entred and whither the Surveyor did Survey Nobs crook by the Warrant and rights belonging to us yea or nay Wee cannot Tell, for which Cause we humbly crave that the present Secretary and Jno. Palin may both of them give their Testimony in this Court whither or no they or either of them ever did See the Warrant and Rights of that Survey yea or nay, and whither if they did See them, were they in Henry Palins name or in Mary Clarks Name: Also Sometime after the Surveying of Nobs crook Henry Palin our father dyed, and Parson John Wood returned from Europe and Claimed his Land and Cattle Soe the matter was put to arbitration whither the right was his yea or nay, the Surveyor that had Surveyed the Land was Chosen by Wood for one of his two men, and both the Surveyor and all the other three did comand the right belonged to Wood and thereupon ordered us to pay him a valuable consideration for the Same which Wee have long Since paid and discharged etc. And This Court having heard and Considered the whole matter, It is their Opinion that the Said Land did or right belong to the Said Wood and Therefore

It is Ordered and Decreed that the Sute be Dissmissed and the Plaintiff pay Costs etc.

The Bill of Complaint of The Honorable Thos. Pollock Esqr. against Mary Porter and Jno. Porter Executors of the Last will and Testament of Jno. Porter Deceased was read and ordered to be continued to the next Court, and Then the Court Adjourned till Friday November the 5th. 1714.

Friday Novr. the 5th. 1714, The Court met. Present the Honorable Cha. Eden Esqr. Governor and Commander in Chief etc., The Honorable Tho. Boyd, Na. Chevin, Chris. Gale, Franc. Foster Esqrs. Lds. Proprietors Deputyes.

<40> Upon reading this Day the Bill of Complaint of Robert Keele against Anne Scarbrough widow of Augu. Scarbro' Deceased and Samll. Wilson and Mary his wife therein Setting forth that whereas he the Said Robt. in the month of 8br. 1713 exhibiting By bill in the Court against the Said Austin's widow whereof following that Tho. Keele Father of the Said Robert Keell was in his life time and at the time of his Death lawfully Possessed of a certain tract of land containing 800 Acres or thereabouts Lying and being in the Precinct of Pasquotank by vertue of a Pattent dated the 25th Day of September 1663 from and under the hand of the Honorable Sir Wm. Bartlett then Governor of Virginia as by a true Copy thereof Sufficiently attestd and ready to be produced to this Honorable Court may more fully appear, and further Sheweth that his Said Father did on his death Bed declare to his wife that Some considerable time before his or her Intermarriage, and during his leaving a former wife in Bermudas he intended a voyage thither to Fetch her into this Province and that during Such his Absence he desired or appointed one Wm. Crafford Esqr. to look after and manage his concerns here, Yet at the Same time did not intrust his Said Pattent with the Said Wm. Crafford, but took the Same along with him, and having proceeded on his Said Voyage as farr as Coratuck, he was there Seized with a Violent Impostume in his breast So that he lay there a whole year in Such a Languishing Condition, that at Length it was confidently reported he was Dead, Whereupon the Said Crafford under Colour and pretence that he had bought the Said Land off and from the Said Thos. Keell and concealing his knowing of the aforesaid patent did without the privity or Consent of, but altogether unknown to the Said Thos. Keell and having no power or Authority from the Said Thos. Keell for his So doing nor any Legall power nor right in him Self, Sell unto one Derby Sexton the Labour but not the Land it Self, of part of the Said 800 Acres, which Said Part now is or lately was in the Possession of one Augu. Scarbro' when and as in Truth the Said Wm. Crafford never did purchase or buy of or from the Said Tho. Keell the Said Land or any part thereof, neither did he every pay or cause to be paid any valuable or other consideration for the Same or for any part thereof to the Said Tho. Keell or to his Use, nor did the Said Thos. Keell intend or design to Sell the Same or any part thereof to the Said Crafford, or that the Said Crafford Shoud by vertue or Colour of any power to him given by the Said Thos. Keell Sell or otherwise dispose thereof, For Soe the Said Robert Keell expressly Charges, as may easily and readily be gathered and Suggested by his the Said Thos. Keells taking his Said Pattent with him, and not intrusting the Same which the Said Wm. Crafford as aforesaid however the Said Wm. Crafford or the Said Derby Sexton

or Some other person or persons clayming by from or under them or one of them, did by vertue of the Said pretended purchase or Sale of the Said Labour to the Said Sexton as aforesaid enter into and upon and take possession of the Said plantation now or Late in the possession of the Said Scarbro as aforesaid and the proffitts thereof have taken received and converted for many years past to his or their own proper Use or Uses altho' the Said Crafford well Knew that the Said Land now or late in the Said Scarbroughs possession, actually then did and afterwards, of right belong to the Said Thos. Keell by vertue of the aforesaid pattent in as full and ample manner as any <41> other Lawfull Estate whatsoever, And the Said Robert Keell further Sheweth that the Said Thos. Keell Sometime before his Death and upon the certain News of two of the then Proprietors, coming into this Province from whom he believed he Should have more Justice, then from the Said Crawford, who was then and had been Some time before judge of the Court and otherwise a very powerfull man in the Government Did warne the then occupier of the Said Land, to quit and Surrender up the Same to him, the Said Thos. Keell, as in all justice, Equity and good conscience he ought to have done but the Said Occupier not complying therewith, the Said Thos. Keell imployed One Mr. Durant to bring an Action at Common Law for recovery thereof, but before the Same was or could be Tryed the Said Thomas Keell dyed Leaving the Said Robert then an Infant about one year old his Son and heyr Apparent to whome the Said Land did and doth by right of Law Descend, And he further Sheweth that during his minority one Thomas Relf was appointed Guardian to and for him and had the Sole and whole management of him and all his concerns committed to him the Said Thos. Relfe, but the Said Thomas Relfe being negligent and not using such Lawfull endeavours and means, or otherwise concerning himself in his affairs as he ought in discharge of the Trust and confidence reposed in him to have done for and toward the recovery of the Said Land, whereby the Said Augustine Scarbrough who pretends an equitable right and Title from the Said Crawfords pretended purchase as aforesaid for Such part thereof as he now is and has been for many years in possession of as aforesaid and for recovery whereof he has by leave of this Court now brought his Bill of review (hath had and enjoyed during his minority a quiet and peaceable possession), but So Soon or within Some Short time after he arrived at the age of 21 years, he dilligently applyed himself to discover the Truth of the Said matters, and being credibly informed that his Said Father had never Sold the Said Land nor any part thereof to the Said Crawford or any other person, but that he had at the time of his Decease a Sure and Just right and Title to the Said Land and every part thereof, the Said Robt. did in due time commence his Sute at common Law against the Said Augustn. Scarbrough for Such part of the Said land as he claims Title to, but for want of Such materiall matter and Evidence as are required by the Strict rules of the common Law a verdict was given against him, And he further Sheweth, that in the year 1707 he brought his bill in this Honorable Court for Reliefe, but for want of then knowing Severall Substantiall matters since discovered the Court was pleased to order the Said Bill to be dismist and him to pay Costs And further he having Since discovered Some matters whereby he doubts not but to make it appear to

your Honors that he has as much more just and equitable right and Title to the Land now in Question that the Said Augustine Scarbrough who by his unjust confederacy and combination to and with divers persons to the Said Robt. yet untrue but when discovered prays may be made parties to this his Bill, and from by or under the Said Crawfords pretended Tytle or Some other fraudulent Title, the Said Augustn. Scarbro' endeavours and hopes to defraud and defeat him of just right and Title to the Said Land; In Tender consideration whereof and forasmuch as he is Still remediless at the Common Law for want of his witnesses who could viva voce effectually prove the matters in Question and who are long Since Dead or removed to parts unknowne and that having no other remedy for recovery of the Land in question but in this Court of Equity he humbly <42> Prays that this his Bill may be receiv'd and the matters there in contained be throughly considered, and upon their appearing meet and reasonable and agreable to Equity, the former Decree may be Sett aside and a new one made, thereby ordering the Said Augustine Scarborough to quit Surrender and yield up the Said Land in question in a peaceable and quiett manner to him the Said Robert, together with the profitts of the Said Land made and received by the Said Augustine Scarbro' for So long time as he has held and enjoyed the Same; To the End therefore that the Said Augustine Scarbrough may upon his corporall oath a true and perfect answer make to all and Singular the premisses herein before mentioned, and that he may in a more particular manner discover and Set Forth, what he knows, hath heard and actually believes concerning the Said Crawfords pretended purchase together with his reasons for Such his Belief and whither the Said Crawford did bona fide pay a valuable or any other consideration for the Said Land and To whom when and where the Same was paid, and whither the Said Thomas Keell did Sell and convey the Said land by any and what writing and what is Since become of the Said writing, if any, or how otherwise was the Said land conveyed and why was the Said Patent Still continued in the Said Thomas Keels custody and not delivered up to the Said Crawford as it ought on Such purchase (if any was really made) to have been, and whither the Said Thos. Keell or who else did ever, and when put the Said Crawford into possession of the Said Land or any part thereof, or otherwise delivered the Same up to him, or how came he into Such possession? and when, and in what manner whither before the date of the aforesaid Pattent or how long Since, and who were present as witnesses to the aforesaid bargain making, and how much was to be given for the Same, and whither any precept or what other acknowledgment was given or made by the Said Thos. Keell to the Said Crawford upon his releiving the Said pretended purchase money, and that he may also Set Forth how long after the Said Crawfords pretended purchase the Said land was Sold to the Said Sexton or whither the Said land itself or only the Labour thereof was Sold to him, and whither the Said Labour was not Sold to the Said Sexton long after the date of the Said Pattent and how long, and whither there was any and what particular Law or Custom then in force whereby the Sale of the labour of land, Should be a good and perfect Sale of the land itself when the Same land was before duely and Legally Pattented, and may Set Forth effectually his own right and Title to the Land in question and from by or under whome he derives his

Said Tytle, or how otherwise he derives it, and how long he has held and possessd the Said Land by Such Tytle, and that he may Sett forth and discover all such other matter and things which he knows hath heard or believs relating to the premisses in question, So farr as he ought and by law is compell'd to discover and declare and that the Said Robert may have Such further Sattisfaction and be otherwise relieved in the premises as Shall Seeme most agreable etc. And further he being Served with a process of Subpoena out of this Court appeared thereto in april last but neither pleaded nor answered thereto, Since which time <43> the Said Augustine Dyed Leaving Anne Scarbrough his widow and Relict and Mary Wilson his Daughter Heyrers now the wife of Samll. Wilson of the Same precinct planter, who by vertue of their Severall alliances and pretended rights to him the Said Augustn. have taken into their Custody and possession the Lands and premisses Sued for by the Said bill as of right belonging to them, when in Truth the Said Augustine never had any Legal or Equitable right to the Same, In Tender consideration whereof and forasmuch as the Said Augustine is Dead, whereby the Said Bill and all former proceedings are by the Course of this Court abated, the Said Robert has brought this his Bill of Revivor against them the Said Anne Scarbrough widow and Samll. Wilson and Mary his Wife, to the End that they and each and every of them may make Such answer thereto and to every Particular matter therein as to this Court Shall Seeme most just and reasonable, and also that the Said former proceedings may be revived, And he be relieved and remedyed in the premisses to all intents and purposes, and he have in Equity as great benefitt and advantage against them, as he might and ought to have had against the Said Augustine if he had been Living and likewise to grant to the Said Robert processe of Subpoena against the Said Anne Scarbrough widow and Samuell Wilson and Mary his wife thereby commanding them at a certaine Day place and under a certain pain therein to be Limitted personally to be and appear in this Honorable Court then and there to Answer all and Singular the premisses further to Stand to and abide Such order and Decree as Shall Seeme most meet etc.

And the Defendants Anne Scarbrough and Samll. Wilson upon Oath and Sollemn Affirmation for Answer Sayth, that the Said Bill of Complaint is very untrue and insufficient in the Law to be answered unto by these Defendants for divers apparent faults and imperfections therein contained and the Same very frivolous for Sundry causes and Namely for that the Said Complainants brings the Same bill for a rehearing a cause which hath formerly been heard, Tryed and Determined in this Honorable Court, which by the Laws of the Land Rules and practice of this Honorable Court he ought not to Do, unless the Same be upon Error in Law appearing in the body of the former Decree it Self, and without further Examination of any maner of Fact which might have been had at the time of the Decree, and unless the Said Complainant upon Oath Shew Some new matter, which hath risen in time after the Decree whereof the Complainant Could not have advantage; And if this Second Bill had for the reasons aforesaid been allowed the Said Complainant ought to have given Security to Sattisfy Costs in Case the Bill be found against him; And the Said Defendant further Sayth that the Said Bill is brought against this Defendant without any Just or lawfull

cause to put this Defendant to great Charge and Trouble; Wherefore this Defendant prayeth to be Dissmissed with his reasonable Costs and Charges in this behalf most wrongfully Susteyned Nevertheless if this Defendant Shall be obliged by Order of this Honorable Court to make any other or further Answer, then this Defendant Saving to himself the advantage of Exception to the manifest incertainty and insufficiency of which untrue Bill of Complaint; For Answer thereunto or So much thereof <44> as this Defendant is advised is materiall for him to answer unto, he Answereth and Sayth That he hath been informed and verily believes that Wm. Crawford in the Said Complainants Bill mentioned was the first purchaser from Tho. Keell of the Lands in the aforesaid Bill of Complaint mentioned, by from and under whome by Severall mesn conveyances, Discents and other Tytles, this Defendant holds the aforesaid Lands and Plantations as by the Same severall Tytles ready to be produced to this Honorable Court will more fully appear and to which this Defendant referreth himself, And the Said Defendant further Sayth, that he this Defendant and those under whome he claimes having been Actually possessed of the Same Lands about these fifty years last past, the Said Crawfords Sale bearing date Octor. 24:1669 he conceives the Said Complainant can have no Lawfull right or Tytle to the Same, Should the Said Complainant have Such a Sleeping Pattent as in his Said Bill he mentions For by the Charter granted to the Lds. proprietors all those who were to have advantage of the Salvo there in mentioned were to be then Actually planted—And by the Act of Assembly intituled An Act concerning Old Virginia Pattents, provision is made to Barr the right or Tytle of all Such persons as had such Patents who had not performed the Condition of the Same patents, nor made their Claims, or Should not make proof of the Same within two years after passing the Said Act, to which act passed [*blank*] this Defendant for greater certainty refferreth himself, and this Defendant further Sayth, That by the Act intituled Limitation of Claims of Land passed [*blank*] And by one other Act intituled Concerning old Tytle of Land passed [*blank*] This Defendant conceives the Said Complainant is barred from any right or Tytle (if he ever had any) to the Same to which Acts this Defendant referreth himself As also to the Statutes of 21: Jan. 16: And prays that the Said Complainant may be Examined to his own age, and to the Death of his Father. And this Defendant further Sayth that by the Deposition of Thos. Barcock ready to be produced he hopes it will appear that about fifty years ago the Said Thos. Keell if he had any right to the aforesaid Land, Sold the Same to the Said Crawford as also that the Same Deposition will make appear most of the matters alleadged in this Defendants father in Laws Answer to the former Bill of Complaint To which also this Defendant referreth himself, without that, that this Defendant knoweth that the Said originall Patent was kept by the Said Keell after Such Sale and not delivered to the Said Crawford, and with out that, That any Other matter or thing in the Said complainants bill contained materiall of effectuall (as this Defendant is advised) for this Defendant to answer unto, and not herein and hereby well and Sufficiently answered unto, confessd or avoided, Travers'd or Denyed is true, all which matters and things this Defendant is ready to averr and prove, as this Honorable Court Shall award, and prays to be hence Dissmissed with his reasonable Cost and Charges in this behalf most wrongfully Susteyned. And the Severall <45> Depositions on both sides being likewise

read, and the matter Argued and maturely considered by this Court, It is their opinion that the Said Lands and premisses in question Doe of right belong to the Said Keelle and therefore

It is hereby Declared adjudged Ordered and decreed that all former Decrees relating thereto, be and are hereby Set aside and that the Said Lands Tenements etc. be and remaine to the Said Robt. Keelle his heyrs and Assigns for ever, and that the provost Marshall for the County of Albemarle doe by vertue hereof put the Said Keell in Quiett possession of the Same premisses on or before the 25th Day of December next and make returne of his proceeding to this Court.

Septembr. the 4. 1714

Sometime about 48 years ago or thereabouts when I was Servant to Mr. Crawford, that Thomas Keell Sold Land and Stock and every thing that he had Excepting his working Boots to my Master in my Servitude to go to his wife who did then Live at Bermudas, and then he went to Coratuck and there he continued a year or more, then he return'd to pascotank rivers mouth upon the point and there he lived Some time and made a plantation there came a drowning Spell of great rains and Wind and then he came to Wm. Crawfords and bought that peice of Land next to Samll. Davis Creek and there built a vessell for Mr. Crawford and had the Land in part of pay for building the Said Vessell, after he had built the Said Vessell, then he Sold all that part or parcell that he bought of Crawford to one Britt, with intention to goe to Bermudas to his wife and then in Some time he returned back again and bought the Said Land of Britt again, and there Setled again at Mr. First, furst buying of the Land of Keell he made us go and clear a Cornffield where mr. Wallis Lived, and that was the first work done upon that Land, and afterwards mr. Crawford Sold that Land to two Batchelors and Coming from Powells point they were both drowned and he afterwards Crawford not being Sattisfyed for the Said Land he Sold it to mr. Wallis or Peter Cartrett of the which I am not Sure and this was done before Tho. Keell was marryed to Mary Butler.

Sworne before me: 8br, 27. 1714 Tho. Barcock
Jno. Bell

Alice Bittell aged 57 years or thereabouts on her Oath on the Holy Evangelist taken Sayth that when She was about 11 years old Shee came to live in pasquotank river the next plantation to the Land now claim'd in this controversie between Keell and Scarbrough, and this Deponent, under stood by the Generall report that the Land now Crawford's and that the Said Keell bought part of the Same and built a vessell for Said Crawford which was <46> part of Payment for the Said Land, which Vessell the Deponent See Launched and about ten years after this Deponent came to Live there as this Deponent best remembers the Said Keell Dyed possessed of the Same part so bought by him and in all the time that this Deponent Lived there during the Lifetime of the Said Keell, this Deponent never understood that the Said Keell claimed any more than the Same part So bought, and there was three more plantations then Setled, whereon Robt. Wallis Lived, Wm. Seers and Derby Sexton, and this Deponent does not remember they were never mollested by Said Kell or that he claimed the Same, but that it was always understood and reported among the Neighbours that Kell had formerly Sold all his right to Crawford.

Capta et Jurat 29th. Die 8br 11 Anno Domimi Coram me Christo. Gale

Thomas Towers of Pasquotank Precinct aged 78 years or thereabouts maketh oath, Thomas Keell did during his Life time warne Derby Sexton From off the Land, he had of mr. Crawford severall times, And Further Sayth upon Some Discourse had at the Said Mr. Keells house and in this Deponents presence between mr. Crawford and one mr. Holden, He heard Mr. Holden Say, that he would See by what right he Sold Mr. Keells Land, and that he this Deponent was at that time Servant to the Said Thos. Keell and more Sayth not.

Jurat the 31st of October 1713 Tho. Towers

Coram me Chr. Gale

8br. the 26: 1713

The Deposition of Capt. Thos. Relfe aged 68 or thereabouts being deposed Sayth, That he heard Thoms. Keell Say when he heard Esqr. Archdale was coming into the Country, now there is two proprietors in the Country, I hope every man will have his right, I'll See if I cant have my Land and Further your Deponent Sayth that Thomas Keell imployed mr. Geo. Durant to Fetch a copy of his Patent out of Virginia and also to be his Attorney to Sue for his Land and further your Deponent Sayth not.

Sworn before me Jno. Davis

<47> August the 17th 1713

The Deposition of Dorothy Simson aged 79 years or thereabouts being Deposed Sayth, that her husband Derby Sexton bought of Capt. Wm. Crawford no Land but only Labour and Further this Deponent Sayth not.

Sworne before me Thos. Relfe Dor. Simson

[*March 1715*]

No. Carolina Ss. Att a Court of Chancery holden at the house of Captain Richd. Sanderson on little River upon Thursday the 10th day of March 1714/15 Present the Honorable Charles Eden Esqr. Governor Captain Generall and Admirall, Thomas Pollock, N. Chevin, C. Gale, Frans. Foster, T. Knight.

Daniel Civile being brought before this Court by Vertue of a Warrant from the Honorable Nathl. Chevin Esqr. to Answer to the Yawpim Indians who likewise Appeared and Complained that the Said Civile was Indebted to them the Said Indyans in the Sum of Three pounds to be paid in Indyan Corn at Tenn Shillings per Barrel for Two Years Rent of their Town Land and the Matter being heard and debated on both Sides before this Court the said Complaint Appears to be Just

Therefore it is hereby Ordered and Decreed that the Said Daniel Civile do pay unto the Said Yawpim Indyans the Said Summ of Three Pounds in Corn at the Rate of Tenn Shillings per Barrels as aforesaid with Costs Alias Execution.

Upon motion made to this Court by the Honorable Collonel Thomas Pollock on a Referrence from the Last Court between the Said Collonel Thomas Pollock and Mr. John Porter praying that the Moneys due on the Ballance of their Accounts being Thirty three pounds Twelve Shillings and Tenn pence to be paid to him

It is Ordered and Decreed that the Said Porter do Depossite the Money into the hands of the Said Pollock he Giving Security to Indempnify him from the Said Major Thos.Luten.

[*July 1715*]

<48> No. Carolina Ss. Att a Court of Chancery holden at Captain Sandersons July 28th 1715 Present the Honorable Charles Eden Esqr. Governor Captain General and Admiral, The Honorable Nat. Chevin, Wm. Reed, C. Gale, T. Knight Esqrs. Lds. proprietors Deputys.

Upon Reading this Day the Bill of Complaint of Gyles Shute Against Thomas Sparrow

It is Ordered that the Said Shute make Oath whether he has any Obligation from Sparrow relateing to those Bills in the Bill of Complaint mentioned and what is become of it and that the Same be laid before this Court at the next Court.

[*March 1716*]

No. Carolina Scilicet Att a Court of Chancery holden at the House of Captain Richard Sanderson in Little River on the 29th day of March 1716 Present the Honorable Charles Eden Esqr. Governor Captain General and Admiral, The Honorable N. Chevin C. Gale, Fras. Foster, T. Knight Esqrs. Lds. Proprietors Deputys.

Upon reading this Day the Bill of Complaint of Joseph Glaister and Mary his Wife against John Palin and also the Answer of the Said Palin and on due hearing of the Whole matter on both sides the Matters therein Conteyned are Continued on Advisare till the next Court of Cancellaria to be holden at the Court house at Queen Anns Creek at Chowan on the third day of the next General Court.

<49> Upon Reading the Bill of Complaint of Edmond Ashley Against Wm. Hunter It is Ordered that the Same be referr'd to the next Court of Chancery.

Upon Reading the Bill of Complaint of Gyles Shute against Thomas Sparrow the Interrogatories being Produced and the Bond Mentioned in the Answer Acknowledg'd

It is Order'd and Decreed that the Suite be dismist.

Geo. White and Francis his Wife and Edwd. Williams being Called to Prossecute their Bill of Complaint against Thos. Snoden and Others and failing in their Appearance

It is Ordered and Decreed that the Suite be Dismist for non appearance of the Complainant.

Upon Reading the Bill of Complaint of Charles Cogdale against Christopher Gold and alia

It is Ordered that the Same be referr'd to the next Court of Chancery and Fresh Subpoenas Granted.

Upon the Referrence from the Last Council upon Major Lutens Petition

It is Ordered that the Will be lodged in the Secretarys Office and that Collonel Pollock has a Coppy of the Same and time to put his reasons in against it to the next Court.

[*August 1716*]

N. Carolina Scilicet At a Court of Chancery holden at the Chappel in the Precinct of Chowan on Fryday the 3d. day of August 1716 Present the Honorable Charles Eden Esqr. Governor Captain General and Admiral, The Honorable Thos. Pollock, N. Chevin, Wm. Reed, C. Gale, Fra. Foster, T. Knight Esqrs. Lds. proprietors Deputies.

<50> Upon Reading the Bill of Complaint of Lemuel Taylor against Jno. Banks It is Orderd that the said Defendant have till the next Court to put in his Answer.

Upon Reading this Day The Bill of Complaint of Joseph Glaister and Mary his Wife against Jno. Palin upon an Advisare from the Last Court of Chancery the Question being now put where only was present the Honorable the Governor Collonel Gale Mr. Foster and Tobias Knights Esqr. They were Equally Divided in their Opinions and therefore It is further Continued till the Matter be again Argued before a more Full Court.

[*March 1717*]

No. Carolina Scilicet At a Court of Chancery holden at the House of Captain Frederick Jones in Chowan Thursday the 28th. day of March Anno Domini 1717 Present the Honorable Charles Eden Governor Captain General and Admiral, Thos. Pollock, Nat. Chevin, T. Knight, Fras. Foster Esqrs. Lds. proprietors Deputies.

Upon Reading the Bill of Complaint of Edmd. Ashley against Wm. Hunter It is Ordered that the same be dismissed.

Upon Reading the Bill of Complaint of Joseph Glaister and Mary his Wife against Jno. Palin

It is Ordered that the Same be continued till the Next Court of Chancery.

Upon Reading the Bill of Complaint of Elizth. Wheatley et alia against Jno. Slocomb

It is Ordered that the Same be Continued till the next Court of Chancery And Also that Notice be Given to the said Jno. Slocomb to Appear and Answer the next Court.

<51> John Lillington and Sarah his Wife and Joshua Porter Comes to prosecute their Suite against Elizth. Smyth Widdow and Relict of Richard Smith Deceast And by their Bill of Complaint which was this day read sets forth that one Richard Smyth late of Neuse in the County of Bath Deceased and Elizabeth his Wife being Legally and rightfully possesst of one Tract of Land Patented lying on the North Side of Pamptico River in the said County Conteining Two Thousand Acres or thereabouts Did on or About the 29th. day of April 1709 by a Firme Deed of Bargain and Sale duley Executed joyntly Bargain and Sell all their Right Title and Interest in and unto the said Tract of Land unto Mr. Jno. Porter late of Chowan in the County of Albemarle Merchant and to his Heires and Assignes for Ever for the Consideration of One hundred and Fifteen pounds Current Money of this Province to be paid by the said John Porter his Heires or Assignes the which

was paid Accordingly as can Sufficiently be made appear And also did at the same time deliver up the Patent of the said Land and Give one bond or Obligation unto the said John Porter duly Executed under a very Great Penalty for acknowledging the said Tract of Land Yet they never did the same However the said John Porter had the Quiet Possession of the said Land and thereupon Built and Erected a house and Several Other Buildings And the said Complainants further shew that the said Jno. Porter did by his Last Will and Testament Give and bequeath to the said John Lillington and Sarah his Wife who was his Daughter One moiety of the said Land and Other Moiety to Mathew Porter his Son after whose Death in Case he should dye under the provisoes in the said Will then to the aforesaid Joshua Porter as by the said Will may more plainly appear And further that the said Jno. Porter did in his Life time put the said Jno. Lillington and Sarah his Wife into Quiet possession thereof who afterwards Lived and Resided thereon without any Molestation or disturbance of or from the said Richd. Smyth and Elizabeth his Wife Or Either of them untill about the month of September 1711 At which <52> Time the Indyan Massacre happened when the said house with their Goods togather with all the Writeings relateing to the said Tract of Land and being in the Custody of the said John Lillington and his Wife were by the said Indyans burnt and destroy'd But so it is that the said Richard Smyth being Since Deceast Elizabth. his Widdow and Relict (who notwithstanding) She in her Own Conscience knows all the aforsaid Allegations to be just and true Combining and Confederating her Selfe with divers other persons unknown to the said Complainants thereby intending to wrong and defeat the said Complainants of their Just right and Title to the said Lands and Premisses Gives out in Speeches that neither her Husband nor she or both ever Sold the said Tract of Land to the said John Porter or Executed any Such deed of Bargain and Sale or Bond as is before Set forth or that the said John Porter ever paid any Consideration for the same or had any Right or Title thereto or to any part there of and that if such bill of Sale was Executed as aforsaid Yet the Same is void in Law for want of Acknowledging the same and further Threatens to Seize and keep the said Land to her own use and to take possession thereof Wherefore and forasmuch as a very full and Valuable Consideration was given and paid and that all the Writeings relateing to or any wise Concerning the said Complainants right and Title to the said Land were burnt and Destroyed as aforesaid and their Witnesses at least the most material left of them being either since dead or gone into places remote and unknown to the Said Complainant they are left remediless in the aforsaid premisses save in a Court of Equity and therefore humbly prayes that the Same may be taken into Consideration that some such Order and Decree may be passt as thereby the Indefeazable right of Inheritance may be vested in them the said Complainants their Heires and Assignes forever according to the Intent and meaning of the said Will and that the said Elizabeth may be Compell'd to perform and do all Such Acts matters and things for the better Confirmation thereof as shall be most agreeable to Equity and Good Conscience and also that she may on her Corporal Oath true and perfect Answer make to all and Singular the premises before mentioned and whatsoever Else she further knowes has heard or verily beleives Concerning the premisses they

humbly pray <53> His Majesties most Gracious Writt of Subpoena may be directed to her Commanding Her etc.

And the said Elizabeth appeard and Acknowledgd the Subject Matter of the said Bill to be true Whereupon and upon due Examination and View of one Receipt from the said Smyth Acknowledging the Receipt of Eighty pounds and three Shillings in part of pay for the said Land and one Bond Still due from the said Smyth for Twenty nine pounds Six Shillings and three pence together with another Receipt of the said Smyths for Five pounds Twelve Shillings and Six pence by which Receipts and Bonds it does appear that the full and valuable Consideration is Actually paid and also upon View of a Coppy of a record of the Court at Bath Town it does appear that the said Smyth did in his life time Appear at the said Court to make due and lawfull Acknowledgment of the said Land.

Whereupon it is Ordered Adjudged and Decreed that the Said Land do remain unto the said John Lillington and Sarah his Wife and the said Joshua Porter and to their Heires and Assignes for ever pursuant to the purport True Intent and meaning of the said Last Will and Testament of the said John Porter.

Upon Reading this Day the Bill of Complaint of Thomas Bray Esqr. against Christopher Dudley and Anne his Wife the said Defendants Appear'd and Alleadged that they could not Get an Attorney to appear for them where by they were disabled to put in an Answer Whereupon this Court do Assign and Appoint Daniel Richardson Esqr. to appear in their Cause and that an Answer be Filed in due time against the next Court Or that the Subject Matter of the said Bill shall be taken pro Confesso.

Lamuel Taylour comes to prosecut his Bill of Complaint against John Banks therein Setting forth that Some time in the month of October Anno Domini 1709 he had Speech and Communication with one John Banks of Yawpinn in the precinct aforsaid touching the Purchasing of one Moiety or halfe part of a Certain Tract or parcell of Land then in the possession of the said John Banks and which the said John had lately purchased of John Lillington upon which Speech and Communication <54> The said John Agreed to Convey and Assure unto the said Taylour for the Consideration of Fifteen pounds that halfe part of the aforsaid Tract which was neat Adjoyning to the Water untill then in possession of the said Taylour And he Further Sheweth that the said John Banks intending to deceive and defraud him the said Taylour in the Meets and Bounds of the said Moiety or halfe part aforsaid Carrying him the said Taylour to View the same shewed him a Marked Pine One of the bounded Trees by the Creek side near the Mouth of a branch and told him that the side line run a Mile out into the Woods up that Branch and that all the land on the upper side of the same branch to Certain Other bounds was the land which he sold unto him the said Taylour which other Bounds to divide the Land sold unto him from the other Moiety reserved by the said John Banks was to be run the Course Set by two marked Trees which Course he Averred would go to the Head Line of the aforsaid Tract and Accordingly while the precinct Court of Pequimins was Sitting in the said Month of October the said John Acknowledgd a Sale of the aforsaid Land by Estimation Three hundred and Twenty Acres which said Sale was also registred But so it is that he the said Taylour not in the least doubting or mistrusting but that the land lying on the

upper side of the Branch shewed unto him the said Taylour by the said Banks was included in the Patent by which the said John Pretended to hold the aforsaid Six hundred and Forty Acres Or that the Course to be run by the said Two Marked Trees would run out to the head line as was Averr'd by the said Banks was not so Cautious to see the land run out by a Surveyor before he received the aforsaid sale which since that the said Taylour has been at the Charge of Surveying the same he finds that the Course of the Two bounded or markt trees does not reach to the head line but intersects the side Line before it has run the mile out nor does the Whole Quantity of Land included within the bounds of the Sale so made to him the said Taylour Exceed Seventy Acres by reason that above Two hundred and Fifty Acres of the Land lying on the upper side of the Branch and which was Shewed by him to the said Taylour as part of the land he would Sell to him does of Right belong unto Mrs. Long it being without the bounds of the said Banks Patent In Consideration whereof and for as much as their being no person <55> Present when he shewed the said Complainant the Lands Adjoyning to the Branch and told him they were part and parcell of the Lands he would Sell unto him and that the line which was to be run to the head Line would include the quantity of three hundred and Twenty Acres or thereabouts he the Said Complainant is without reliefe to recover his just rights unless by the Aide and Assistance of this Court To which end he humbly prayes that the said Defendant may be Compelled upon his Corporal Oath to make true Answer to all and Singular the premisses aforsaid and to declare and discover what he knowes or remembers of the same and that his Majestes most Gracious Writt of Subpoena may be directed to him requireing etc.

And the said Defendant appeared and by his Answer upon Oath sets forth that true it is that he the said Respondent had some discourse and Communication with the Complainant of and Concerning the sale of part of a Tract or parcel of land about the time in the Complainants said Bill of Complaint mentioned (to the best of this Respondents remembrance) then belonging to this Respondent for which part of the said Tract or parcell of land the Complainant and this Respondent did Agree (to witt) that part of this Repondents land which is lying and being on the North Side of the Indyan Creek where the Water Mill now Stands and is part of the Tract of Land that this Respondent now lives on And that true it is he this Respondent and the Complainant went to See the said Land and that he this Respondent did shew this Complainant a Marked Pine One of the Bounded Trees by the said Creeks side which said Pine Stands in the Line that divides between this Respondent and Mrs. Long in the Bill mentioned from which pine this respondent and the Complainant went towards this respondents dwelling house till they came to the branch in the bill also mentioned and that then and there this Respondent told the Complainant he would not sell him any Land nigher to him this Respondents house than that Branch where the Complainant agreed with this Respondent a Course should be set which was done by the marking the two Trees in the bill likewise mentioned which Course or Line was soon afterwards made so farr as this Respondents Land did Extend (when the said Land was afterwards Surveyed by him the Complainant) and that the Complainant was to have all the <56> Land then belonging to this Respondent that

lay above such Course or Line towards Mrs. Longs Land be the same more or less and this respondent did then tell the Complainant it was that part only of his Land that he would Sell but did not tell the Complainant how farr the said Course would Extend Certainly nor how many Acres was Contained therein nor was it possible for this Respondent to Inform the Complainant thereof for that he this Respondent never had the said peice of Land so Sold Survey'd and for which part of the said Tract of Land the Complainant did agree to pay this Respondent Fifteen pounds at Five pounds per Annum and for which Land this Respondent hath Acknowledged a Deed of Sale to the Complainant according to his request and desire and that the Complainant Sometime after the agreement made as Aforsaid had the said Land Survey'd and then said theire was not So much as he Expected there would have been but said he was Contented therewith or some thing to that Effect and that there was Enough to serve him about his Mill and this Respondent further saith that the said Complainant has alwayes Seemed well Satisfied so farr as this Complainant knowes ever since the said Sale (which is above Eight Years) was made till the bringing this Suite or thereabouts and that about three Years since the Complainant and this Respondent happened to talk about getting lightwood nigh the bounds of the said Land so sold and to prevent Controversies and Mistakes therein and that Negroes nor others might not Err they then agreed to marke or Blaze the Trees very thick along the said Line so as aforsaid made which was accordingly done the Complainant well Content therewith and Further declares that he did not pretend to Sell to the Complainant any land that was not Contained within the bounds of this respondents Patent and sayes particularly he did not Sell or pretend to Sell any Land belonging to the said Mrs. Mary Long in the Bill mentioned wherefore for the reasons aforsaid this Respondent humbly prayes to be dismist with his reasonable Costs in this behalfe so wrongfully Sustained etc.

And the Matter being duly heard and Debated on both Sides and it appearing to this Court that there is at least Two hundred Acres of land less within the bounds than was Expected or Intended to be Sold by the said Deed

It is Ordered Adjudged and Decreed that the said John Banks do pay back to him the said Taylour Seven pounds Tenn Shillings part of the Consideration money by him received as aforsaid.

<57> Upon reading the Bill of Complaint of William Russell against James and John Carroons

It is Ordered that the same be Continued till the next Court of Chancery.

Upon Reading the Bill of Complaint of William Parker and Johanna his Wife against Sarah Williamson and Thomas Swann

It is Ordered that the same be Continued the next Court of Chancery.

[*August 1717*]

North Carolina Scilicet At a Court of Chancery holden at the house of the Honorable Collonel Thomas Pollock at Chowan on Thursday the first day of August 1717 Present the Honorable Charles Eden Esqr. Governor Captain General and Admiral, Thos. Pollock, N. Chevin, T. Knight Esqrs. Lds. Proprietors Deputies.

Upon Reading the Bill of Complaint of Joseph Glaister and Mary his Wife against John Palin

It is Ordered that the same be Continued till the next Court of Chancery.

Upon the Reading the Bill of Complaint of Elizabeth Wheatly et Alia against John Slocomb

It is Ordered that the same be Continued till the next Court of Chancery and that notice be given to the said Slocomb to appear the next Court.

Upon Reading the Bill of Complaint of William Parker and Johana his Wife Against Sarah Williamson and Thomas Swan

It is Ordered that the same be Continued till the next Court of Chancery and Answer to be filed.

Upon Reading the Bill of Complaint of William Russell Against James and John Caroons

<58> It is Ordered that the Same be Continued till the next Court of Chancery by Consent of Mr. Moseley and notice to be given.

Upon Reading the Bill of Complaint of Anne Wife of John Pettiver et alia against the said John Pettiver

It is Ordered that the Same be Continued till the next Court of Chancery and the Defendants to answer in Time.

[*March 1718*]

North Carolina Scilicet At a Council holden at the house of Collonel Thos. Pollock in Chowan on Saturday the 29th. day of March 1718 Present the Honorable Charles Eden Esqr. Governor Captain General and Admiral, Thos. Pollock, Wm. Reed, T. Knight, Richd. Sanderson Esqrs. Lds. proprietors Deputies.

Joseph Glaister and Mary his Wife Comes to prosecute his Bill of Complaint by a Continuance from the last Court of Chancery against John Palin Executor of the Last will and Testament of Affrica Hicks Deceased and the said Bill was read setting forth that the said Mary Glaister in the time of Her Widdowhood did by Deed of Gift bearing date the Second day of the first Month 1692/3 Conditionall Give unto Affrica Palin Widdow of Thomas Palin her Brother Deceased One Negro Girle named Sarah for and dureing the time of Her the said Affricas natural Life and after her Decease to be Delivered to her the said Complainant free from all Charge and Incumbrance and to become her proper Estate as in the beginning anything in any Wise to the Contrary Contained in the Deed not withstanding And the Said Affrica in the Time of Her Illness did declare that she did not desire that the Negro Woman Should be Detained any Longer than her life for said She the Woman belongs to my Sister Glaister after my Decease but Said She thought the Children were her Own Nevertheless so it is that John Palin Executor or Trustee to the last Will and Testament of the above named Affrica Hicks did Immediatly after her Death Enter upon <59> And take into his Possession the Said Negro Woman and the Same doth most wrongfully and unjustly with hold and keep about three Years time And further Sheweth that at a precinct Court held at the House of Joseph Peggs About the Twenty Second of the Second Month 1712 the said Complainant did Sue and Implead the above said John Palin

and did Obtain Judgment Against him with Costs of Suite from the which Judgment he did Appeale to the General Court for a rehearing the said Court being held at the house of One Lee at Chowan at which Court the said John Palin did plead and Insist upon a Sentence of the Common Law where its said that a Chattel personal may be Given to Two whereof the first hath the use and Occupation and the Second hath the thing it selfe but if the thing it Selfe be given to the first then the Devise is not Good to the Second for the Gift of a Chattel personal where the thing its Selfe is Given is Given [*sic*] Altho' but for one houre is the Gift of that thing forever where the donor makes it absolute and not Conditional. To which we did reply to this purpose that the Negroe was never given to two and that not Absolutely at all for whereas It was Impossible to know that the Donee would live one houre therefore the Gift was not absolute not for one houre but had the Donee dyed in halfe an houre then had not the Guift been for an houre Thirdly it is Evident from the Deed that the Gift was Conditionally in two respective Conditions depending on an Act of providence that if the Adoner did Survive the Donee then the first Condition is she shall be delivered to me Secondly She shall be Cleare from all Charge and Incumberances and be mine as in the begining To which he replyed that there was no Condition for the Donee to be performed in her time To which we reply that the Law doth limit in that Case in what or in whose time but all Conditions are to be performed according and So it was that Some Doubts and Questions Arose in the minds of Some Justices of that Court and it was Entered upon an Avisare to be further Considered at the next Court but before the next Court We received Information that One of the Justices of that Court had prejudged their Cause We all Summoned their Informer who Witnessed the Same in Court that one of the Justices Sitting there had Given his Judgment before hand in that Matter whereupon we prayed the Court to put the said person by from Sitting any more in our Case but the said Court Consisting Only of three Justices where of he was one did Sit and Over ruled and laid <60> Wast the Judgment we had formerly Obtained by reason of which we are kept out of our Slave Contrary to all Equity and Good Conscience and Therefore pray that his Majestes most gracious Writt of Subpoena may be directed to him the said John Palin etc.

And the said Defendant appeard and by his Answer upon Oath Sets forth that he beleives the Complainant Mary might dureing her Widdowhood make some such deed of Gift of a Negroe Girle named Sarah then about Two years Old unto Affrica Palin then the Widdow of Thomas Palin her Brother Deceased as in the Bill is Sett forth and also Saith that he has been informed and doubts not to prove (if occasion be) that the said Thomas Palin had in his Life time a Good and legal right to the said Negroe Girle and that the said Deed of Gift was not made till some time after his Death but denies that he either knowes or beleives the said Affrica did in her Illness Utter any Such Words or Speeches as is therein likewise set forth but on the Contrary saith that not above two or three dayes at most before her Death she did recommend the particular Care of this matter to him to have it decided by the Law in Case the Complainants or either of them should dispute the Same saying that she thought and had been so advised that her children had a much better right to the said Negroe then the Complainants

or words to that Effect and this Defendant further saith that for the aforsaid and Several Other reasons he was appointed One of Her Executors and that after her decease did take into his possession the said Negroe where she still remains and also saith that the Complainants did Obtein Judgment for her with Costs of Suite against him this Defendant in the precinct Court of Pasquotanck and that thereupon he did Appeale to the Justices of the General Court as by the Laws of this Country he might do who after a very faire hearing on both Sides at that time Suspended their Judgments to the next General Court but for no other end Intent or purpose (as this Defendant verily believes) but that Each of them might the better Consider the matter before they fully gave their Opinions therein And for this his Beliefe this Defendant humbly Conceives he has Sufficient reason for that upon their next meeting they unanimously declared the aforsaid Judgment Void and further saith that the Scandalous and base reflection of the Complainants on one of these Justices for prejudging of their Cause as they pretend to call it ought not to be and so this Defendant hopes will not be taken and deemed by this Honorable Court to be anything more than an Untrue Suggestion and a malicious Insinuation and more Especially since that prejudging as they are pleased to <61> Terme it and if any Such thing really was, was long after the matter was so fairly heard on both sides as aforsaid and nothing more wanting for decideing the same but Each of the said Justices own bare Opinion besides the person (who is beleiv'd to be reflected on) is Since dead and so has been for a Considerable time and whilest living was ever reckoned and so Allowed to be a very Just and Honest man And for plea this Defendant Saith that he humbly Conceives and is So Advised that this matter does not regularly lye before this Honorable Court for where the property of a Chattell personall is absolutly Given for life as in this Case it is it is Given Ever and Such a Gift will not admit of a remainder and the Complainants Condition in the aforesaid Deed of Gift is no other than a remainder and this being a fundamental point of the Common law the Court of Chancery does not regularly Give reliefe when it tends to the Overthrow thereof or when it tends to the Overthrow of Judgments had in other Courts this Court neither may nor will Examin or revoke the Same and upon this he this Defendant Insists and averrs for Truth and the Same is readie to prove and humbly prayes that the Complainants said bill of Complaint may be set aside and he this Defendant be from hence dismist with his reasonable Costs of Suite and Charges in this behalfe most Wrongfully Sustained without that any other matter or thing Contained in the said Complainants said Bill of Complaint material or Effectual to be answered unto and not herein and hereby well and Sufficiently Answered unto Confessed or Avoided Traversd or denyed is true in Such Sort manner and form as herein before is Expresst all which this Defendant is readie to averr maintain and prove as this Honorable Court shall award.

And the Depositions and Arguments being duly heard On both Sides and Considered by this Court

It is Adjudged Ordered and Decreed that the said Negro wench named Sarah in the bill of Complaint mentioned did of Right belong to the said Affrica Hicks Her Executors Administrators and Assignes and therefore that they be and remain As by the said Will of the said Affrica Hicks there given for ever.

Upon Reading this day the bill of Complaint of Elizbth. Anne and Martha Wheatley against John Slocomb and the said Defendant not appearing nor any Answer filed to the said Bill

It is hereby Ordered that the said John Slocomb do refund <62> and pay to the said Complainants the principal money which he received for the lands mentioned in the said bill with Interest thereon together with the Charges of Quittrents and Taxes etc. which has Accrued Since the said Sale unless he appears and Answers by the next Court of Chancery.

Upon reading the bill of Complaint of Anne Pettiverr Wife of John Pettiver and others against the said John Pettiver and Some propositions of the said John Pettiver towards putting an End towards the said Suite being also read and filed

It is Ordered that the same be Continued till the next Court of Chancery.

Upon Reading the bill of Complaint of John Averry against Anne Cleeves and Others Executors of the last will and Testament of Emanuel Cleeves and Jno. Clarke and Samuel Slade Guardians and Trustees of Benjamin Dutton Cleeves an Infant son of the said Emanuel Cleeves as also the Answer of the said Anne Cleeves and James Leigh Two of the Executors etc. and the rest of the Defendants not appearing the Same is Continued till the next Court of Chancery.

Upon reading the bill of Complaint of Sarah Smyth Widdow Against Thomas Man and the Defendant haveing faild in his Appearance the Same is Continued till the next Court of Chancery.

Upon Reading the bill of Complaint of Jenkin Williams Against John Birkhead the said Defendant Appeard by Thos. Swan his Attorney and prayed day till the next Court to put in his Answer Whereupon the Same is Continued till next Court and Orderd that Answer be filed Accordingly.

[*July 1718*]

<63> At a Court of Chancery held at Sandy Point in Chowan Precinct July the 31st. 1718. Present the Honble Charles Eden Esqr. Governor etc. Thos. Pollock, William Reed, Fred. Jones, Fra. Foster, Richd. Sanderson Esqrs. Ld. Proprietors Deputys.

Elizabeth and Anne and Martha Wheatly come by Edward Mosely their Atturney to prosicute their Bill of Complaint against John Slocum and the said Bill was read Sitting forth that about 15 yeare's agoe the said Ann Elizabeth and Martha Wheatly's Father John Wheatly Purchased of one John Slocumb late of Chowan but now of Neuse Gentleman Defendant to this Bill of Complaint three Tracts of Land or plantations Scituate lying and being on or near Mattercomack Creek in Chowan Precinct comonly called or knowne by the Name of Slocumbs Fabirts and Williamsons and the Complainants said Father paid and dilivered unto the said John Slocumb the Sum of Ten pounds Sterling for each plantation aforenamed, Whereupon the said John Slocumb Faithfully promised the Complainants said Father John Wheatly that he would well and truly make unto the said John a firme Absolute and indefeasible Estate in Fee Simple Off in and toe the Aforenamed Tracts of Land to the said John the Complainants Father. But that the said John Slocumb removeing to Neuse river at So great a distance he

omitted the makeing over the Aforsaid Tracts of Land to the said John the Complainants Father by Deed duely Excuted but made delivery thereof by Turfe and Twigg until Deeds could be drawne according to Lawe by virtue of which dilivery So made the Complainants said Father remained in possession of the Same for Some years and About Eleaven years agone the Conplainants said Father departed this life and by his last Will and Testiament remaining upon record in the Secretarys Office of this Government did give divise and bequeath the plantation called Slocumbs unto the Complainant Elizabeth the plantation called Filbush unto the Complainant Anne and the plantation called Williamsons unto the Complainant Martha as in and by the said Will reference being had thereto will more fully appear whereupon the Complainants have in a very Freindly manner requested the said John Slocumb to make unto the Complainants Seperatly good firme and Authentick Titles unto the plantations Aforementioned, Confirme unto the last Will and Testiament of the said John Wheatly and the bargaine Contract and agreement had and made between the said John Slocumbs and the Complainants Father, But the said Defendant intending to Deceive and defraud the Complainants wholey refuses to make any title to the Same or any part thereof to the <64> manifest Wrong Injury and Vexation of the Complainants and the Complainants being remidyless by the Strict Rules of Comon Lawe and only releivable in a Course of Equity for want of Such Deeds Evidences and writeings as is required and to the end that the said John Slocumb may on his Oath in this Court, full true direct and perfect answer make to all and Singular the matters and things herein before Charged as if the Same where herein againe perticularly repeated and that the said Defendant may upon Oath declare whether he did not on or about the time mentioned in this Bill (or at what other time) receive of the said John Wheatly Six horses in Lieu of and in full Consideration of the Aformentioned thirty pounds or whether he ever did make any Title to the said John Wheatly or to the Complainants for the Lands and plantations Aformentioned and that the Complainants may be releived in all and Singuler the premisses according to equity and good Conscience and therefore pray that his Magestys most Gracious Writt of Subpoena may be directed to the said John Slocumb thereby comanding etc.

And the Defendant appeared and by his answer upon Oath Saith that he this Defendant did never bargain Contract or agree with the said Complainants Father John Wheatly for any Lands in Fee Simple nor never to give any Deed Sale or Writeings Concerneing all or any of the Lands mentioned in the Bill of Complaint and further the Defendant Saith that the said John Wheatly never desired any Deeds for the said Lands but was fully Satisfied with the possession thereof it being as good a title as this Defendant at that tyme was informed he had to the said Lands wherefore the Defendant prays Judgment whether he shall be inforced to make any further or other answer to the said Bill of Complaint and to be dismis'd with reasonable Costs in that behalf most Wrongfully Sustained etc.

All which being duely Considered and heard by this Board Its Ordered Adjudged and dicreed that the said John Slocumb pay to the Complainants thirty pounds Sterling the Consideration Money for the said Lands and that the Lands mentioned in the said Bill of Complaint Revert to the said John Slocumb.

Upon reading the Bill of Complaint of Edward Carter against Joseph Jordaine Defendant

Its ordered that the Same be Continued to the Next Court being the first time of Reading.

[*October 1718*]

<65> At a Court of Chancery held at the House of Collonel Thomas Pollock Octor. the 29th. 1718 Present the Honble the Governor Captain General and Admiral, William Reed, Fra. Foster, Richd. Sanderson Esqrs. Lds. Deputys.

Upon Petition of Collonel Thomas Pollock Setting forth that he formerly purchased a parcell of Land, which he doubts hereafter Quesstions may arise about and haveing Several Evidences now liveing which can prove his title to the Same who are very aged therefore prays they may be Examined and remaine upon record in perpetuam rei memoram.

Which haveing been duely Considered its orderd that Subpeena's Issue from this Court directed to the Aforsaid Evidences to come and appeare before Mr. John Lovick and Mr. John Hardy Examiners who upon their Oaths are to be Interrogated concerneing the premises.

[*April 1719*][2]

At a Court of Chancery held at the House of Mr. Duckinfield April 3d 1719 Present the Honble Charles Eden Esq. Governor, Collonel Thomas Pollock, William Reed, Richard Sanderson Esqrs. Lds. Deputys.

Collonel Thomas Pollock moved that the Depossition of William Duckinfield Esqr. might be taken before this Court and recorded which was accordingly taken is as follows Videlicet

<66> The Depossition of William Duckinfield Esqr. aged about Seaventy four years or thereabouts Sworne on the Holy Evangilist Saith That in the yeare 1699 he proved a power of Atturney in the Precinct Court of Chowan from Luke Hamond Impowering him to Make Sale of a plantation of his lying on the West Shore called black Rock which plantation the said William Duckinfield did Sell and make over to Cornelius Benington and received the money for the Same agreeable to the said Beningtons Bill and further saith not.

Taken and Sworne before us Apl. the 3d 1719

Charles Eden, Wm. Reed, Richd. Sanderson.

The Depossition of Wm. Maule aged About 29 years Sworne on the Holy Evangilist Saith That about 6 years agoe he made a Resurvey of Four Tracts of Land [Lapsed] by Mr. Cullen Pollock lying upon the North side of Moratuck River and Whilst he was about the resurvey he took a View of the Improvements made on the Several Tracts but found neither house nor Fence of any Sort upon either of them there was on the Souther most Tract a few Trees cut downe and Some deadned but neither House nor Fence as Aforsaid and this was the greatest

[2] Although these minutes were placed out of chronological sequence, apparently the clerk wanted them in close proximity to those of October, 1718.

Improvement he found on the whole four Tracts and further Saith not.
Sworne April the 1st. 1720 before me Wm. Maule
Charles Eden

[*November 1718*]

<67> At a Court of Chancery held at the Towne in Mattercomack Creek Novemr. the 8th 1718. Present the Honble Charles Eden Esqr. Governor, Wm. Reed, Fred. Jones, Richard Sanderson Esqrs. Lds. Deputys.

Sarah Smith Widowe comes to Prosicute her Bill of Complaint against John Man Defendant and the said Bill was read Sitting forth that Some time about 16 or Seaventeen years Since one Thos. Mann Defendant to this Bill was possessed of one Tract or Parcell of Land containing one hundred and Twenty Acres or thereabouts which said Land lyes in the Precinct of Chowan near the defendant Dwelling plantation in his Demain as of Fee and So being possessed did Afterward to wit about Twelve or fourteen years Since bargain and Sell the said Tract or parcell of Land with all his right and Title thereto to the Honble Collonel Thomas Pollock for a Valuable Consideration between them agreed on and did then pass his the said Manns Obligation payable to the said Collonel Pollock or his Assignes for one hundred pounds Sterling with Condition that he the said Mann would duly acknowledge a deed or Deeds for the said Land to him the Said Pollock or his Assignes when he should be thereunto required After which said Sale So made by the said Mann of the said Lands and bond for acknowledgement thereof delivered the said Collonel Pollock did for a Valuable Consideration paid to him by the Complainant then Sarah Daviss Widowe to Thomas Daviss and before her intermarrage with the said Smith Bargain and Sell unto the Complainant her Heirs and Assignes his right and Title to the said Land and Also did Transfer and Assigne to the Complainant the Aforsaid Bond and Obligation and all his right and Interest therein and did deliver the Same to the Complainant and She farther Saith that She haveing purchased the Land of Collonel Pollock as Aforsaid was possessed of the Same and haveing made a plantation and very Considerable Improvements thereon She applyed herself to the Defendant and required him at many times for Several years past to Execute and acknowledge Such Deed or Deeds to the said Collonel Pollock or to her the Complainant for the Conveying the said Lands as he the said Mann by his Bond was held and Obliged to doe that the Complainant thereby might have a Lawfull title thereto to her and her Heirs and Assignes for ever and the Complainant farther sheweth that altho' She So Often in a Freindly manner went to the said Mann and used all the fair Termes and Freindly Treatment to prevail with him to performe what he was So held by the said Bond yet neverless he would not adhere to her fair proposals but allways refused and denyed to Execute and acknowledge any such Deed or Deeds either to the said Collonel Pollock or to the Complainant as by Lawe he was then compelled to doe <68> whereby the Complainant was Obliged either not to have any title to the said Land or to Comence a Suit against him on his said Bond and therefore Imployed one Mr. Thomas Snowden Some years agoe then an Atturney and practiser of the Lawe in this Collony but Since Deceased to bring Suit against the said Mann on the said

Bond in order to Compell him to performe what he was thereby bound to doe that thereby she might have a good Estate and Title in and too the said Land and dilivered the said Bond to the said Snowden that he might Sue the said Mann for the same and farther the Complainant saith that by the death of the said Mr. Snowden or by Some other Misfortune and Accident to the Complainant alltogether unknowne the said Bond was lost or mislaid So that She could never Obtaine the possession thereof againe nor hath she ever Seene the said Bond Since she dilivered it to the said Snowden but hath heard and hath reason to beleive that the said Mann by Some Clandestine Means hath got the said Bond into his Custody and hath distroyed the Same and the Complainant farther Sheweth that she hath been peaceably possessed of the said Land ever Since She purchased it as Aforsaid of Collonel Pollock until with 10 Month or thereabouts that the said Mann by force did dispossess her thereof and that she hath Constantly and duely from the purchaseing the said Land as Aforsaid fully paid and Sattisfied the Ld. dues and the dues of this Goverment for the Same But he the said Mann tho' Often required Stil refuses to make the said Collonel Pollock a Title thereto that by that means the Complainant may get her Title under the said Collonel Pollock and Absolutely refuses to acknowledge any Deed or Deeds for the Same he to well knowing the said Bond is lost or distroyed or so lost that Complainant cannot get it to commence Suit on the Same and instead thereof now pretends that she hath no right thereto and that the right and Title is in him the said Mann who now forceably possesses the Same, all which Actings and doeings of him the said Mann are alltogether contrary to equity and good Conscience and the Complainant being alltogether remidyless by the Strict rules of Common Lawe the said Bond being destroyd or lost as Aforsaid and her Witnesses that could Prove the Truth of the premises either Dead or beyond the Seas Saveing the Aforsaid Collonel Thos. Pollock. She therefore prays his Magestys Most Gracious writt of Supoena May Issue Comanding him the said John Mann etc. on his Corporal Oath may true answer make to all and Singuler the premises as if he were thereunto perticularly Interogated aperticularly that he may Set forth and declare what Sale he made to the said Collonel Pollock of the said Land and about what time and what Consideration was paid and whether he did not pass such a Bond as Aforsaid or what Bond he did pass and what the Condition he thereof was and What he knows or beleivs of the said Collonel Pollocks Selling the Same and Assigneing and delivering the said Bond to the Complainant and how long Since it was and whether the Complainant did not Offten times and how many times in A Freindly manner require him to Execute and acknowledge a Deed or Deeds for the said Land and whether he did not refuse <69> So to doe and what he knows of her Imploying the said Snowden to Sue him on the said Bond or whether he knows where the said Bond is, or what is become of it, whether it be distroyed or how it came to be distroyed and whether if She hath not possessed the Land peacably ever Since She purchased it of Collonel Pollock or how long she did possess it before he So unkindly disturbed her, and humbly prays a dicree may pass that the said Mann may Execute and Acknowledge unto the Complainant her Heirs and Assignes forever such reasonable Deed or Deeds Conveyance or Assurance of the said Land and premises as She shall

by her Council be Advised to take or pay her the said Hundred pounds mentioned in the said Bond.

And the Defendant haveing faild in his appearance three Several Courts and this Court haveing duely weighed and Considered the Same Its therefore hereby Ordered Adjudged and dicreed that the Subject matter of the Bill be taken pro Confessoe pursuant to the Rules of this Court and that a Writt of possession Issue directed to the Sherif to put the Complainant in possession of the premises unless the Defendant shall well and truly pay the Bond mentioned in the Bill of Complaint.

Read the Bill of Complaint of Edward Carter against Joseph Jordaine Defendant and the Defendant haveing faild his Second appearance Its ordered that unless he file an Answer against the Courts next Sitting that the Subject matter of the Bill be taken pro Confesso according to the Rules of this Court.

[*November 1719*]

<70> At a Court of Chancery held at the Town in Mattercomack Creek on Tuesday the 11th. of Novr. 1719. Present the Honble Charles Eden Esqr. Governor, Thos. Pollock, Wm. Reed, Fred. Jones, Richard Sanderson Esqrs. Lds. proprietors Deputys.

Read the Bill of Complaint of Jenkin Williams against John Birket and the Defendant haveing faild in his first appearance Its ordered that till the matter be fully determined the said Birket make no further Tresspass on the Lands in Controversy.

Read the Bill of Complaint [*of*] Sarah and Christian Privet against William Privet etc. the Second time and the Defendant being called and not appearing Its ordered that unless the Defendant afile his answer against the Courts next Sitting that the Subject matter contained in the said Bill be taken pro Confesso according to the Rules of this Court.

Read the Bill of Complaint of Ann Petiver against John Petiver and the Complainant being called to come forth and prosecute his said Bill and not appearing the Suit is dismissed.

Read the Bill of Complaint of John Avery against Ann Cleaves and James Leigh Executrix and Executor of Emanll. Lowe deceased the first time and the Defendants haveing faild in their appearance Its ordered that the Suit be Continued til next Court.

[*August 1720*]

<71> At a Court of Chancery held at the Towne in Mattercomack Creek Augt. the 4th 1720. Present the Honorable Charles Eden Esqr. Governor, Thos. Pollock, William Reed, R. John Lovick Esqrs. Lds. Proprietors Deputys.

Read the Bill of Complaint of Henry West the first time against Timothy Cuningham and the Defendant haveing faild in his appearance Ordered that the Same be entered.

Read the Bill of Complaint of John Manear against Richd. Williamson the Second time and the Defendant haveing faild in his appearance Its ordered that

the Defendant file his answer against the Sitting of the Next Court otherwise the Subject matter contained in the Bill to be taken pro Confesso according to the Rules.

An Apeal haveing been Obtained by John Jonson from the precinct Court of Chowan to this Court against Joane Frost for Some Irregular proceedings in the said Court against the appellant

And this Court haveing heard the matter argued on Both Sides and duly considered the Same are of opinion that an appeal doth not regularly go to this Court being Contrary to one of their owne Rules.

Its therefore Orderd that the appeal be dismissed and that the said Johnson pay Costs.

Read the Bill of Complaint of William Reed Esqr. Against Edward Pope Edward Mayo and Alice Billet the first time and the Defendants haveing faild in their appearance, Ordered that the Same be entered.

Read the Bill of Complaint of Jenkin Williams against John Birket the Second time and the Defendant not appearing Its ordered that unless the said Birket file His answer against the Sitting of the next Court the Subject Matter of the said Bill will be taken pro Confesso according to the Rules.

<72> At a Court of Chancery held at the Towne in Mattercomack Creek August the 10th 1720. Present the Honble Charles Eden Esqr. Governor etc., Thos. Pollock, Wm. Reed, Fred. Jones, Richd. Sanderson, John Lovick Esqrs. Lds. Proprietors Deputys.

Jenkin Williams comes to prosicute his Suit against John Birket Defendant by his Bill of Complaint which being read Saith that about Ten or Twelve years Since one John Birket Defendant to this Bill was possessed of a certaine peice or parcell of Land lying in Chowan precinct night the place where the Defendant now dwells which he then held by virtue of a patent which said Land contains Two hundred Acres or thereabouts which said Land he Offered to Sell to the Complainant and used at divers times very pressing arguements with the Complaint to perswade him to purchase the said Land which fair Speeches at length prevaild with him and for which Land the Complainant and the said Birket Afterward (to wit) about five years Since did agree and for which Land the Complainant was to pay the said Birket the Summ of five pounds great part of which said Consideration Money or Sum of five pounds is and for a very Considerable time passed has been pd. by one John White for and in behalf of the Complainant to the said Birket who readily received the Same After which the Complainant removed from his then dwelling plantation at Perquimons to the said peice of Land and built thereon divers Valuable buildings and in all respects has made a good compleat Plantation and Settlement thereon to his Extraordinary cost and Trouble and farther Sheweth that the Complainant hath also Since the said payment of the said part of the Consideration Money Aforsaid and Since his said removal tendered the remainder thereof to the said Birket who said the money might remaine in the Complainants hands pretending he did not want the money and that he would call for it when he wanted it they being nigh Neighbours or such like Talk. Whereupon the Complainant then kept his money which he was

ever Since hath been and yet is ready on Demand to pay to him the said Birket or his order and did then ask the said Birket Some Questions about the acknowledgement of the said Land to the Complainant who Seemed very willing thereto and then faithfully promised him he would be allways ready to doe it when the Complainant should require him and the Complainant haveing a good opinion of the said Birket and realy beleiving him to be an Honest man allways hoped and expected he would Stand to his word and performe his Several promises made concerneing the acknowledgement of the <73> said Land to the Complainant he being desireous to have the said Land Secured to him lest Death or Some other accidents should happen he haveing been at great Expences and Charges about the Same and did Afterward apply himself to the said Birket and Required him to acknowledge the Same who to the great Astonishment of the Complainant refused to doe it and declared he would never let him have the said Land or make any acknowledgement to him thereof intending thereby to deceive and defraud the Complainant and to deprive him of all his Buildings and Improvements Aforsaid and to make him no title to the said Land Contrary to equity Justice and good Conscience and the Complainant being a poor man and alltogether unskilled in the Same and very unwilling to have any disputes did Offer to leave all differences between the said Complainant and the said Birket to be determined by Certaine persons to be Chosen Arbitrators between them which the said Birket agreed toe and persons were Chosen Bonds for that purpose drawne and Executed by the said Birket and the Complainant each to other as by the said Bonds relation being thereto had may appeare wereupon the said Arbitrators met and proceeded on the said Arbitration and would have made an Award in favour of the Complainant for upwards of Fifty pounds Sterling which came to the said Birkets ears before the said award was finished whereupon he instantly discharged the Arbitrators and bid them proceed no farther therein So that the said Differences could not be then determined and the Complainant thereby put to great Charges and trouble and Stil left in his former Condition without Title to the said Land or Sattisfaction made him for any of his vast expences and Improvements about the Same and the Complainant further Shews that Since the said Birket Sold the said Land to the Complainant and Since his dwelling and makeing a plantation thereon the Complainant hath made Two large Tan Kills on the said Land finished and made ready to burne each of the Value of Ten pounds Sterling both which were the proper Tan Kills of the Complainant both which were Malitiously Set on fire and distroyed by the said Birket Contrary to and against the Will of the said Complainant the said Birket pretending the said Land was his tho' So fairly Sold to the Complainant all which proceedings are Contrary to Equity and Good Conscience In Tender Consideration whereof and the Complainant being remedyless by the Rules of Common Lawe for that his Evidences are dead Some beyond the Seas in place's Remote and alltogether unknowne and that such frauds and Matters of this Nature are properly and only releivable before your Honours in this Court of Equity The Complainant therefore prays his Magestys Most Gracious Writt of Subpona may be granted him Comanding the said John Birket etc. then and thereto answer to all and Singuler the premises as if he were there unto againe perticularly Intero-

gated and that he may Set forth and Declare whether the said Birket did not perswade the Complainant to purchase the said Land and engaged to make a good Title thereto and what the Consideration was to be for the Same and what agreement was made, and how much of the said Money he hath received how many Acres the said Land did containe where the Land lyeth and Whether he doth not know or beleive that After the Complainant had bought the said Land he was not at great Expences and Charges in removeing to <74> the said Land and what building and Improvements there are made thereon and of what Value and by whome and at whose expence they were made and that he the said Birket may Set forth and declare whether he ever promised to acknowledge the said Land to the Complainant and to make him a good title thereto when were and how often he hath promised the Same and Whether the Complainant hath not at divers times required him to acknowledge the said Land and Whether he hath not promised So to doe or what he hath promised at any time Concerneing the Same and whether there was not Arbitrators Chosen between them to end all disputes and differences and what was all and every the reasons he forbid the Arbitrators to Proceed as they intended to doe and whether the Complainant had not Since his dwelling on the said Land light wood got and Two Tan kills made and finished on the said Land bought of him the Aforesaid Birket and how much Tan might have been made out of each of them and of what Value each of them was and what became of each of them whether they were not burnt and distroyed against the Complainants consent and whether he the said Birket did not burne and distroy them both or which he did burne and distroy or by whome they were burnt and distroyed and what he the said Birket said at any time about burneing thereof.

Which being the third time of reading and no answer haveing been filed according to the Rules of this Court by the said John Birket

Its orderd Adjudged and Dicreed that the Subject matter contained in the said Bill be taken pro Confesso and that the said Jenkin Williams doe recover the Lands mentioned in the said Bill and be immediatly put into possession of them and that forty pounds Damages be allowed him with Costs of Suit.

And the said John Birket haveing upon the first reading the Aforsaid Bill been Served with an order of this Court forbiding him to make any Further Trespasses on the Land then in Controversy til the Suit was determined which he haveing no regaurd toe but in Contempt thereof did turne the said Jenkin Williams out of the possession of the said Lands Seizeing his goods and abuseing his person.

This Court After haveing duely Considered the Nature of the Offence have Sentanced Adjudged and Dicreed that the said John Birket be taken into the Custody of the Marshal there to remaine until <75> he performe every thing Ordered and Adjudged in the Dicree passed this day against him on behalf of Jenkin Williams and restore to the said Jenkin Williams all such Goods So unlawfully taken from him by the said Birket.

Read the Bill of Complaint of William Reed Esqr. against Edward Pope Edward Mayoe and Alice Billet the Second time and the Defendant not appearing Its ordered that unless they file their answers against the Next Court the Subject matter of the Bill Will be taken Pro Confesso pursuant to the Rules.

Chritian Privet Against Thomas Stacy and others

Christian Privet by Collonel Edward Mosely her Atturney came to proscute her Bill of Complaint against Thomas Stacy and others the Defendants to the said Bill and the Said bill was read Sitting forth That John Privet the Complainant Grandfather took up and Surveyed a Certaine Tract of Land at Yawpim Joineing to the Land of Philip Ward and Vines Cropley Some time in the Goverment of Seth Southell Esqr. and was possessed of the Same for and dureing the Terme of Ten years and being thereof Seized departed this life leaving Issue John his Eldest Son the Complainants Father and William and Several others by a Second Wife. Whereupon the Complainants Father John entered upon the Aforsaid Tract of Land as Heir at Lawe and was possessed of the Same for the Space of five years or thereabouts and then the Complainants Father Departing this life and the Complainants Mother intermarrying with John Bently they removed From the plantation Aforsaid to Moratuck but the Complainant not haveing the plat of the Survey Aforsaid nor any patent for the Same the Aforsaid William Unkle to the Complainant So Soon as they removed from Yawpim Entered on the Same as the Complaint is informed hath Surreptitiously and without any Lawe or Colour of right or Equity Obtained a patent in his owne Name for the plantation Aforesaid thereby intending utterly to defraud the Complainant of her Just right, the Complainant therefore by John Bently her next Freind moved the aforsaid case of the Complainants to the Council but while the Same was in Adjitation the said Wm. Dyed and now the Land Aforementioned is Claimed by Thos. Stacy and others to your Complainant unknowne which when they are discovered She prays may be made partys to this Bill and forasmuch as the Complainant for want of the plat or Survey first Above mentioned which probably was lost dureing the Administration of the said Southell among Sundry other papers of moment which at that time were lost or otherwise might come to the hands of the Aforsaid William, the Complainant cannot readily Asscertaine her right otherwise then by the Continued possession of the Complainants Father and Grand Father which the Complainant is advised <76> would not be certaine enough by the Strict Rules of the Common Lawe Since the Aforsaid William has Obtained a patent and the Complainant being without any remidy in the premises unless by the Aid of the Court of Chancery She may be releived by an Examination into the manner of the said Williams Obtaining a patent for the Same and under what Colour of right or title the Same was Obtained and to the end that the said Thomas Stacy and his Confederates may on their Oaths in this Court full true direct and perfect Answer make to all and Singuler matters and things herein before charged or contained as if the Same where here againe perticularly repeated and Interrogated and that the said Thos. Stacy and his Confederates may upon Oath discover what right or Title they claime in and to the premises and whether they doe not well know that the Complainants said Grandfather took up and Surveyd the said Lands and was possessed of the Same and dyeing So Seized left the Same to the Complainants Father as Heir at Lawe and whether they have not in their Possession any of the plats Entries Surveys or receipts which Could Asscertaine the Complainants Title or whether they have not heard that there was such and with whome Such Entries

Surveys Receipts or plats were and that the poore Complainant may be relcived in the premises according to Equity and good Conscience She prays his Magestys Most Gracious Writt of Subpoena may be directed to the said Thomas Stacy Comanding him etc.

And the Defendant haveing made no Appearance nor filed any Answer according to the Rules of this Court being the third time of Reading the Bill

Its therefore Ordered Adjudged and Dicreed that the Subject Matter contained in the said Bill be taken Pro Confesso and that the said Christian Privet recover the Lands mentioned in the said Bill with Cost of Suit.

[*March 1721*]

<77> At a Court of Chancery held at Edenton the 30th day of March Anno Domini 1721 Present The Honorable Charles Eden Esqr. Governor etc., Will. Reed, Fran. Foster, Richd. Sanderson and John Lovick Esqrs. Lds. Proprietors Deputys.

Read the Bill of Complaint of Collonel William Reed agains Edwd. Mayoe Edward Pope and Alice Billet etc. And the said Defendants having severally filed their answers and made oath to the same the Complainant beg'd time to consider thereof.

Ordered That time be given to the next Court in Course.

Read the Bill of Complaint of Henry West against Timothy Cuningham the first time and the Defendant failed to make his appearance.

Red the Bill of Complaint of James Weatherspoon against Robert Calf the first time and the Defendant failed to appear.

Read the Bill of Complaint of Thomas Swan Gentleman against Richard Sanderson Esqr. and others the first time And the Defendants failed in their appearance.

Read the Bill of Complaint of Gasper Timberman Christian Slaber and others against Daniel Richardson Esqr. the first time And the Defendant failed in his appearance.

[*April 1722*]

At a Court of Chancery held at Edenton the 5th day of April 1722. Present The Honorable Thomas Pollock Esqr. President etc., William Reed, Richard Sanderson, John Lovick and Thomas Pollock Esqr. Esqrs. Lds. Proprietors Deputys.

Read the Bill of Complaint of William Reed Esqr. against Edwd. <78> Mayoe Edward Pope and Alice Billet, And the Partys having Agree'd among themselves.

Ordered That the Bill be Dismiss'd.

Read the Bill of Complaint of John Manear Complaining Sheweth that Your Orator John Manear of Chowan Precinct for that your Orator sometime in the month of January 1716/7 became indebted unto one Richard Williamson of the same precinct in the Sum of Ten pounds Sterling and did pass his Bill for the same dated the Second day of the same month of January. But so it is may it Please Your Honors That your Orator being desirous and willing to pay the same did

afterwards that is to say the [*blank*] day of [*blank*] at the instance and at the request of the said Richard Williamson pay and Satisfy the same unto one [*blank*] Lowe Mariner to whom the said Williamson was Indebted and took the said Low's reciept for the same in lieu of which your Orator was to have his Bill delivered up. But the said Richard Williamson Intending to put your Orator to great Trouble and Vexation hath left this Government and put your Orators Bill in Suit altho' your Orator hath paid the same to the said Lowe as is above Set forth and in regard that the said Lowe is removed to New England and such other Evidences as could prove the same are removed into parts beyond the Seas so that he could not so fully prove the same as is required by the Strict rules of the Common Law, but is altogether remediless in the same unless by the aid of this Honorable Court he may be relieved in the Premisses by the Corporal Oath of the said Richd. Williamson who well knows and is satisfyed of the Truth of all and Singular the Premisses who when he shall answer thereto upon oath must and will discover the same. To the End therefore that he may so do and in particular Set forth and Discover whether or no he the said Richard Williamson was not Indebted to the said [*blank*] Lowe in the aforesaid Sum of Ten pounds or how much he was Indebted and whither he did not order the said [*blank*] Lowe to Recieve the same of your Orator and also did not order your Orator to pay the same or how much did he order of the aforesaid Bill to be paid to the said Lowe and whither he the said Richd. Williamson <79> is not well assured that your Orator has paid the same accordingly pursuant to the purport of the reciept aforesaid for the use of the said Richd. Williamson, And further that your Orator may be relieved in all and Singular the Premisses according to Equity and good Concience May it Please your Honors to grant to your Honor his Majestys Writ of Subpoena etc. to answer the Premisses and to Stand to and Abide such further order and Decree therein as to your Honors shall seem meet and agreeable to Equity and good Conscience.

And the said Bill of Complaint having been read three several times in Court and the Defendant duly called to Answer which he having always failed. It is Therefore Considered of by this Court and Decreed that the Subject matter in the said Bill of Complaint be taken pro Confesso. And that the Defendant pay Cost of Suit.

Read the Bill of Complaint of Thomas Swann against Richd. Sanderson Esqr. and others the Second Time And the Defendants having failed in their appearance.

Ordered That the Defendants have their Answers filed against the next Court and that they appear to the same otherwise the Bill will be taken pro Confesso according to the rule of this Court.

Read the Bill of Complaint of James Weather Spoon against Robert Calf and the Defendant appearing and makeing Exceptions to some passages in the said Bill reflecting on the Defendant It is Agreed by both partys that the Criminal passages be Expunged out of the said Bill and that no advantage be further taken thereon by the Defendant and that the usual order pass to plead next Court otherways the Bill to be taken Pro Confesso.

Read the Bill of Complaint of John Avery against the Executors of Emanuel Cleaves the first time And the Defendant failed in his Appearance.

Read the Bill of Complaint of Gasper Timberman and Christian Slaper Letcher Miller Mathew Rasnover Jacob Miller and Nicholas Isla against Daniel Richardson Esqr. Complaining Sheweth That Your Orators Gasper Timberman Christan Sloper <80> Lecher Miller, Mathew Resnover Jacob Miller and Nicholas Islee of Cravan Precinct planters. For that whereas Collonel Thomas Cary late of Bath County Esqr. Deceased in his life time took up and purchased sundry Lands and plantations in Bath County, but took the Deeds or patents for the same in the name of John Cary an Infant Son of the said Thomas Altho' the purchase money or consideration paid for the same was actually and bona fide the money of the said Thomas and by him paid And your Orators further Shew unto your Honors that among the aforesaid Tracts of Land or plantations so held taken up and possessed by the said Thomas Cary in Bath County he became possessed of one tract of Land lying on the South side of Neuse River in Bath County joyning upon the Land of Mr. Anthony Hatch containing by Estimation Fourteen hundred and Forty Acres, and being so possessed the said Thomas Cary on or about the begining of April in the year of our Lord 1714 had Speech and Communication with your Orators Gasper Timberman Christian Slaber Letcher Miller and with one Herman Gram (under whom your Orator Mathew Risnover claims) also with one Valentine Hank under whom your Orator Jacob Miller claims, and with one Jacob Sheets under whom your Orator Nicholas Islee claims touching the Sale and purchase of the aforesaid Fourteen hundred and Fourty Acres of Land by the said Thomas Cary to be made unto them, And on the twentieth day of the said Month of April 1714 in the presence of Collonel William Brice and others then Inhabitants of the said County of Bath but since departed this Life The said Thomas Cary Stipulated and Agreed with the said Gasper Timberman Christian Slaber Letcher Miller Herman Gram Valentine Hank and Jacob Sheets that he the said Thomas Cary should make them a Title to the aforesaid tract of Land or plantation in as full and ampel manner as the Law of this Government requires upon the payment of the Sum of One hundred pounds in pitch or Tarr as by a certain deed or Instrument in writing wrote by the said Thomas Cary and by him signed in presence of the said Wm. Brice here produced into this Honorable Court will more fully appear And your Orators further Shew unto your Honors that the aforesaid first Contractors with the said Thomas Cary paid and delivered unto him the Sum of Fifty Shillings as part of the Consideration money and was by the said Thomas Cary put into actual and peaceable possession of <81> the same tract of Land and plantation. Since which Your Orators and those under whom they claim have not only Quietly and Peaceably held and Enjoyed the premisses but have also faithfully and truly paid unto the Attorney of the said Thomas Cary the remaining part of the purchase money By force whereof and of the Act of Assembly passed in the year 1715 Entituled an Act confirming the Titles of sundry Persons who have Already or hereafter may purchase Lands of Collonel Thomas Cary in Bath County Your Orators became justly intituled to the aforesaid tract of Land or Plantation But now so it is may it please your Honors that before your Orators had fully paid the aforesaid One hundred Pounds and before the said Collonel Cary could perfectly finish and Compleat Your Orators Title to the same Land in such full and ample manner as is required

by the Strict rules of Common Law the said Collonel Cary went a Voyage to Sea and Departed this Life, as also the said William Brice departed this life and the other Evidences are in remote parts unknown to your Orators whereby for want of such full proof as is required by the strict rules of Common Law Your Orators title to the same Lands and plantation may be like to be called in Question hereafter, unless by the aid of this Honorable Court, your Orators may be relieved and their Just Titles by Decree of this Honorable Court asserted. In Tender Consideration of the Premisses And forasmuch as the Deed or Instrument signed by the said Thomas Cary here Exhibited in Court is properly the hand writing of the said Collonel Cary and is well known unto most or all the Members of this Honorable Court and forasmuch as the possession of the same Land has ever since the date of the same Deed remained in Your Orators and that your Orators have fully Paid unto the Attorney of the said Collonel Cary the remaining part of the aforesaid £100 he humbly hopes that the aid of this Honorable Court Daniel Richardson Esqr. Administrator of all and Singular the Goods and Chattles rights and Credits of the said Collonel Thomas Cary may upon his Corporal Oath declare whither he is not well Satisfyed that your Orators have fully paid unto the said Collonel Cary or his Attorney or order the aforesaid hundred Pound for the Purposes aforesaid And that the same Deed or Instrument before mentioned brought into Court by your Orators may be Carefully viewed and Examined by your Honors and Compared by Other the handwriting of the said Thos. Cary well known unto your <82> Honors and that your Orators Title to the same Land and Plantations may by Decree of this Honorable Court be fully settled and decree'd unto your Orators in Fee and that your Orators may be fully relieved in the Premisses.

May it please your Honors to grant unto your Orators his Majestys gracious Writ of Subpoena etc. And that your Orators may be fully relieved and the Premisses as to your Honors in your great Wisdom shall Judge most agreeable to Equity and good Conscience.

And the Defendant being called appeared and allowing the matter contained in the Bill to be fact.

This Court Does hereby Order and Decree that the Complainants and every of them have an Absolute Estate in Fee Simple in and to their respective parts of the Land in the Bill of Complaint mentioned.

Read the Bill of Complaint of Thomas Harvey Esq. against Henry Clayton Esqr. the first time and the Defendant failed in his Appearance.

Read the Bill of Complaint of William Parker against Thomas Swann Gentleman And the Defendant appearing and proving that the proceedings on the Service of the said Bill was not agreeable to the Rules of this Court.

It is Therefore ordered that the said Bill be dismiss'd.

Read the Bill of Complaint of John Johnson against Joan Frost the first time and the Defendant failed in her appearance.

Read the Bill of Complaint of William Badham against Thomas Bray the first time And the Defendant fail'd to Appear.

Read the Bill of Complaint of Samuel Barnard Assignee of Thomas Collis against William Willson Executor of the last Will and Testament of John Blish

which having been considered of by the Court They are of Opinion that the said Bill ought to have been brought against the heir of the said Blish and that the Defendant as Executor was no party.

It is Therefore Ordered and Decreed that the said Bill be Dismissed.

[*June 1722*]

<83> North Carolina Scilicet

At a Court of Chancery held at the Honorable the Presidents house the 15th day of June Anno Domini 1722 Present The Honorable Francis Foster, Chris. Gale, John Lovick and Thos. Pollock Junior Esqrs. Lds. Proprietors Deputys.

Read the Bill of Complaint of Mr. President Pollocks against John Salisbury Complaining Sheweth That whereas one John Salisbury late of this precinct Milwright was Indebted by bond to your Orator Twenty pounds Sterling money, for recovery of which your Orator took a Writ against the said Salisbury upon which a non est inventus was returned (he having removed himself out of the Government) after which non est inventus returned an Attachment Issued, and on the Attachment nulla Bona returned upon which the Court ordered the Land he had to be appraised to pay the Debt and appointed appraisers (according to that case made and provided) who appraised his Land being about 100 Acres at Ten pound which Appraisment being returned and the Court being to Order the Land to Your Orator in overhaling the proceedings found that the Clerk had neglected to enter the Continuance so that the Suit was after all these proceedings discontinued and the said Salisbury being dead Your Orator hath not Remedy at Common Law. Wherefore Your Orator prays that this Court would decree him the said Land according to Equity and good Conscience. Which This Court having considered of Doe hereby Order Adjudge and Decree the said Land mentioned in the said Bill to the said Thomas Pollock Esq. his Heirs and Assignes in Fee.

[*March 1723*]

<84> No. Carolina Sc.

At a Court of Chancery held at Edenton the 28th day of March Anno Domini 1723 Present The Honorable William Reed Esqr. President etc., Chris. Gale, Fran. Foster, R. Sanderson, J. Lovick, T. Pollock and M. Moore Esqrs. Lds. proprietors Deputys.

The Bill of Complaint of Thomas Swann Gentleman against Richd. Sanderson Esqr. and the plaintiff being called the Bill was dismist for nonappearance.

James Weatherspoon was Solemnly called to prosecute his Bill of Complaint against Robert Calfe but this Court being made Sensible that the said Calf is Dead the Bill is Dismissed.

Read the Bill of Complaint of John Avory against James Leigh Esqr. and Anne Cleaves Executor and Executrix of the last Will and Testament of Emanuel Cleaves deceased in these words Videlicet That about Six months last past he and one Emanuel Cleaves of the precinct of Hyde in the County of Bath had a

Discourse together of and concerning the purchase of a certain tract of Land then belonging to the said Emanuel containing Six hundred and Twenty three Acres lying on the East side of Mattchapongo river being a point of Land lying in a Fork of Smiths Creek and bounded as followeth begining at a bounded red Oak at the Fork and runing up the Creek and bounding the Land of Silvester South fifty degrees west Three hundred and Twenty pole then South fifty Seven degrees East Three hundred and Twenty pole then North fifty degrees East Three hundred and twenty pole then North Seventy five degrees East Three hundred and Twenty pole to the Creek, bounding Smiths Land and with the Creek to the Creek to the first Station and did agree of for and concerning the same in manner <85> following (that is to Say) that the said Cleaves should in due form of Law convey and Assure the said Tract or parcel of Land and all and Singular the rights privilidges and appurtenances in any manner thereunto belonging and therewithall used with warrants thereof from and against him the said Emanuel his then Wife Anne Cleaves and from and against his heirs and Assigns and all other persons claiming or to Claim under them or any of them unto hiin the said John Avory his heirs and Assigns forever in Fee Simple in Consideration where of the said John Avory was to pay the Sum of Thirty one pounds Sterling to the said Emanuel Cleaves and that since the said Agreement and bargain made the said Emanuel Cleaves is Departed this life having first received of and from the said John Avory the full Sum of Thirty one pounds for the Consideration for the said Tract of Land not having Executed any Deed or Deeds to the said Avory or made him any manner of Right or title to or for the said Land (altho the said Complainant had been at the Charge of having lawful Deeds of Lease and in Release prepared for him the said Emanuel to Execute for the said Land) And further that the said Emanuel made his last Will and Testament and did thereby appoint his Wife Anne Cleaves, James Leigh Esqr. and Mr. Samuel Slade Executors thereof and that the said Emanuel Cleaves did leave behim one Son by name Benjamin Dutton Cleaves an Infant and did appoint by his said last Will one Mr. John Clark and the above named Mr. Samuel Slade to be Guardians and Trustees to for and of the said Benjamin Dutton Cleaves, but did not by his said Will or otherwise authorize and Impower any one to Secure the Said Land to the Complainant By all which actings and Doings and by means of the said Emanuels Death the Complainant is likely to loose his said Land so fairly bought and paid for which is very hard and quite contrary to Equity and good Conscience And as the Complainant hath no remedy in this case at Comon Law to have a title of the said Land Secured to him and his heirs according to the said Agreement things of this nature being only and properly relieaveable in Equity and then rather because the said Complainants Witnesses who could prove the truth of all the above mentioned premisses to be true are Dead, beyond the Seas or in places unknown to him praying that his Majestys Writ of Subpena may be directed to the said several Executors or the said Emanuel Cleaves and allso to the <86> said Guardians and Trustees of the said Benjamin Dutton Cleaves an Infant to Shew cause Why the Complainant should not have the said Land decree'd to him and his heirs and to answer all and Singular the premisses and that the said Land may be decreed to him with Costs etc. And the Answer to the said Complainants Bill being Sworn to in Form and

lodged in this Court was read as follows (in hec Verba) And the said Anne for her part answereth and with that she verily believes it to be true that the said Complainant and her said late husband Emanuel Cleaves did make such Agreements and bargain for the Land in the said Complainants Bill mentioned as the Complainant hath forth or some bargaine to the like Effect as she hath often heard the said Emanuel Confess and talk, and is Satisfyed that the Complainant did pay and content her said late husband the said Sum of Thirty one pounds consideration money for the said Land and believes the said Land had been well and sufficiently Secured to the Complainant and his heirs and Assigns in such manner as is Set forth in the Bill of Complaint if her said late husband had lived And that She has nothing to say or object against the prayer of the said Bill only that her said husband not having left her any Land (as she yet apprehends) relys on this Court for their favour to her as a Widow and that she may be decreed out of some other part of the said Estate of the Said Emanuel Satisfaction for her Dower of in and to the said Land. And the said James Leigh for Answer to the said Bill of Complaint Say'th that true it is he is appointed one of the said Emanuels Executors by the Will and that he hath Imperfectly heard of some such like agreement between the Complainant and the said Emanuel but the Certainty of it he knows not nor can deny any part of the said Bill to be true being very much a Stranger to that affair Wherefore the said Defendant prays to be hence dismissed with their Costs and Charges etc.

Which having been duly considered of and a Bond produced by the Complainants Attorney from the said Cleaves with condition to make a firme title to the said Lands in Dispute also the patent was laid before this Court with an Assignment on the back of the same from the said Cleaves to the said Complainant and acknowledged before Tobias Knight Esqr. then Chief Justice for the Lands in Question upon which this Court gave their opinion that the said Avory had an Equitable right to the said Land prayed for And Doe therefore Order Adjudge and Decree that the said Lands to come to the said Avory his heirs and Assigns forever and that he be Invested therein in Fee Simple.

<87> No. Carolina Bath County Janry. 10th 1716/17.

Know all Men by these presents That I Emanuel Cleaves of the said County are firmly holden and bound to Mr. John Avory his Heirs Executors Administrators and Assigns in the full and just Sum of Sixty Two pounds of good and Lawful money of North Carolina to be paid by me my heirs Executors Administrators and Assigns whereunto I have here Set my hand and Seal the Day and date above written.

The Condition of this obligation is Such that if the above bounden Emanuel Cleeves doth sett over and make Clear Six hundred Twenty and Three Acres of Land lying and begining upon the line of Mr. Richard Silvesters on the East side of Mattchepongo River and make Clear the aforesaid Six hundred Twenty and Three Acres of Land by patent my heirs Executors Administrators and Assigns then the condition of this obligation to be Void and of none Effect or else to stand in full Force and Vertue. Emanl. Cleaves and a Seal. Testis Robert Green Saml. Slade.

I Assign over the within patent over to Mr. John Avory this 10th day of September 1717 Emanl. Cleeves. Testes Anne Cleeves Richard Jasper.

The above Assignment was proved by the Oath of Richard Jasper one of the Evidences thereto Janry. 14th 1717/18. Before me T. Knight C. Justice.

Read the Bill of Complaint of Thomas Harvey Esqr. against Henry Clayton Esqr. which having been fully Debated and this Court considering thereof Are of Opinion That the said Thomas Harvey hath his remedy at Common Law for the matter complained of in the said Bill and Do therefore Order and Decree that the said Bill be Dismissed.

Read the Bill of Complaint of John Johnson against Joan Frost and the Defendant having filed her Answer which being Sworn to before Thomas Pollock Esqr. a Member of this Court not in the Exact forme of the Chancery oath.

Ordered that the Defendant file another answer Swom to in due Form Twenty days before the Courts next Sitting.

<88> Read the Bill of Complaint of William Parker against Thomas Swann Gentleman and both partys Appearing and Informing this Court that they had Agreed.

Ordered That the said Bill be Dismissed.

Read the Bill of Complaint of William Langston against Robert Reddick and the partys being both agreed,

Ordered That the said Bill be Dismissed.

Read the Bill of James Morgan against Nathaniel Hall the first time and the Defendant failed in his Appearance.

[*August 1723*]

No. Carolina Sc.

At a Court of Chancery held at Edenton the 2d. day of August Anno Domini 1723 Present The Honorable William Reed Esqr. President etc., Chris. Gale, Richard Sanderson, John Lovick, Thomas Pollock Esqrs. Lds. Proprietors Deputys.

Read the Bill of Complaint of John Johnson against Joan Frost alias Cromey and the Complainant being Three times Solemnly called and failing in his appearance It is Ordered and Decreed That the said Bill be Dismissed and that the Complainant pay Costs.

Read the Bill of Complaint of John Rasberry against George Smith and Sarah Smith the Second Time and the Defendants failed in their appearance.

Read the Bill of Complaint of James Morgan against Nathaniel Hall the Second time and the Defendant failed in his Appearance.

[*November 1723*]

<89> North Carolina Sc.

At a Court of Chancery held at Edenton the 7th day of November Anno Domini 1723 Present The Honorable William Reed Esqr. President etc., C. Gale, R. Sanderson, J. Lovick, M. Moore Esqrs. Lds. Proprietors Deputys.

John Rasberry comes to prosecute his Bill of Complaint against Sarah Smith Relict Widow of George Smith late of Chowan deceased wherein he sets forth That about four years agoe he purchased a parcel of Land of the said George Smith now deceased lying on the north side of Wickacone Creek in the said Precinct of Chowan upon the Deep Branch for and in Consideration of the Sum of Eighteen pounds Lawful money of really and truly paid by him to the said George Smith deceased the said Tract of Land containing in the whole Foar hundred Acres and by patent on Record bearing date July the 13th 1713 was granted to John Early and by measn Conveyances the said Land hath since derived to the said George Smith In Fee the said Four hundred Acres being Bounded as followeth videlicet begining at a marked pine Tree by the Bank of the Creek and runing from thence into the Woods N:10:W:320 to a marked Red oak thence S. 80:W:200 pole to a marked Pine thence S.10.E.320 pole to a marked Pine by the Creek thence downe the Creek N:80.E:200 pole to the first Station as by the Survey and Patent aforesaid may appear which Land purchased as aforesaid by him of the said George Smith the Father and was delivered by Turff and Twigg according to Custom to him, he the said Smith promising with all Convenient Speed to give him full and ample Conveyans and Assurances of the said Land so as Legally to Convey and Confirm to him a Good perfect and absolute Estate thereof in Fee. But so it happened that before such Legal Conveyances could be perfected by the said <90> Smith who by mischance of a Wound recieved suddenly dyed by reason of which Accident his title was not Confirmed according to Law And the said Geo. Smith Son and heir and the said Sarah Smith formerly the Wife of the deceased or one of them either by themselves or others have entered upon the Premisses. And he having no Remedy at Common Law to Recover and hold the same for want of such Conveyance and Confirmation thereof as the Law requires altho in reallity he purchased the Same as aforesaid and bona fide paid the full Consideration money agreed on therefor as aforesaid.

Wherefore Prays Relief in Equity as hath been accustomed in like cases and prays a Decree on the said Land purchased as aforesaid to him and his heirs in Fee as of Right it belongs and that the said George Smith Son and heir and the said Sarah Smith may by his Majesties most Gracious Writ of Subpoena be Comanded to appear at a Certain day and under a Certain pain therein to be limitted to be examined touching the premisses and that they may be Compelled true and direct answers to make on their Corporal Oaths whither they dont know or believe or have heard that he purchased the said Land of George Smith the Father as aforesaid and what they or either of them ever heard the said George Smith the Father say of his having Sold the same or any part thereof to him or what they know or have heard of his having paid any mony for or towards the said Land bought as aforesaid and in General what they know relating to the truth of the matters alledged in this Bill as fully as tho the same were at large and particularly here recited and further that by Decree they may be Compelled at such and in such manner deliverd Seizd and possession of the Premisses to him which is now withheld from him and such releases Conveyances and Assurances make and Execute as shall be Judged necessary to Confirm the same to him in Fee etc.

The said Sarah Smith having filed her Answer in due form Shewing That some small time before her husbands decease she heard him agree with the Complainant for One hundred Acres of Land being part of a Tract of Four hundred Acres mentioned in the said Bill of Complaint for which her said Husband before his Death recieved the Consideration <91> mony for said Land and that She heard her said Husband say that he had delivered the said hundred Acres by Turff and Twigg and that the Division line was Run by her said Husband before George Wynn John William and she believes Treddal Keefe and that she then Consented and is now willing to acknowledge her right of Dower to the said hundred Acres mentioned in the said Bill of Complaint.

mark of Sarah Smith

And having duly Considered of the Premisses This Court doth Order Adjudge and Decree that the said Complainant hath a good and just Title to the Lands in the said Bill mentioned as it was laid out by a Line of marked Trees in the said Answer mentioned being part of the Patent bearing date the 13th day of July 1713 granted unto George Smith.

Read the Bill of Complaint of James Morgan Nathaniel Hall and the Defendant having filed a Demurrer and Answer Sworne to in due form which was also Read the Complainants prays time to Consider of the said Answer and Demurrer which is granted till next Court.

Read the Bill of Complaint of John Jones the first time and the Defendant failed in his appearance.

Read the Bill of Complaint of Thomas Norcomb against Richard Leary the first time and the Defendant failed in his Appearance.

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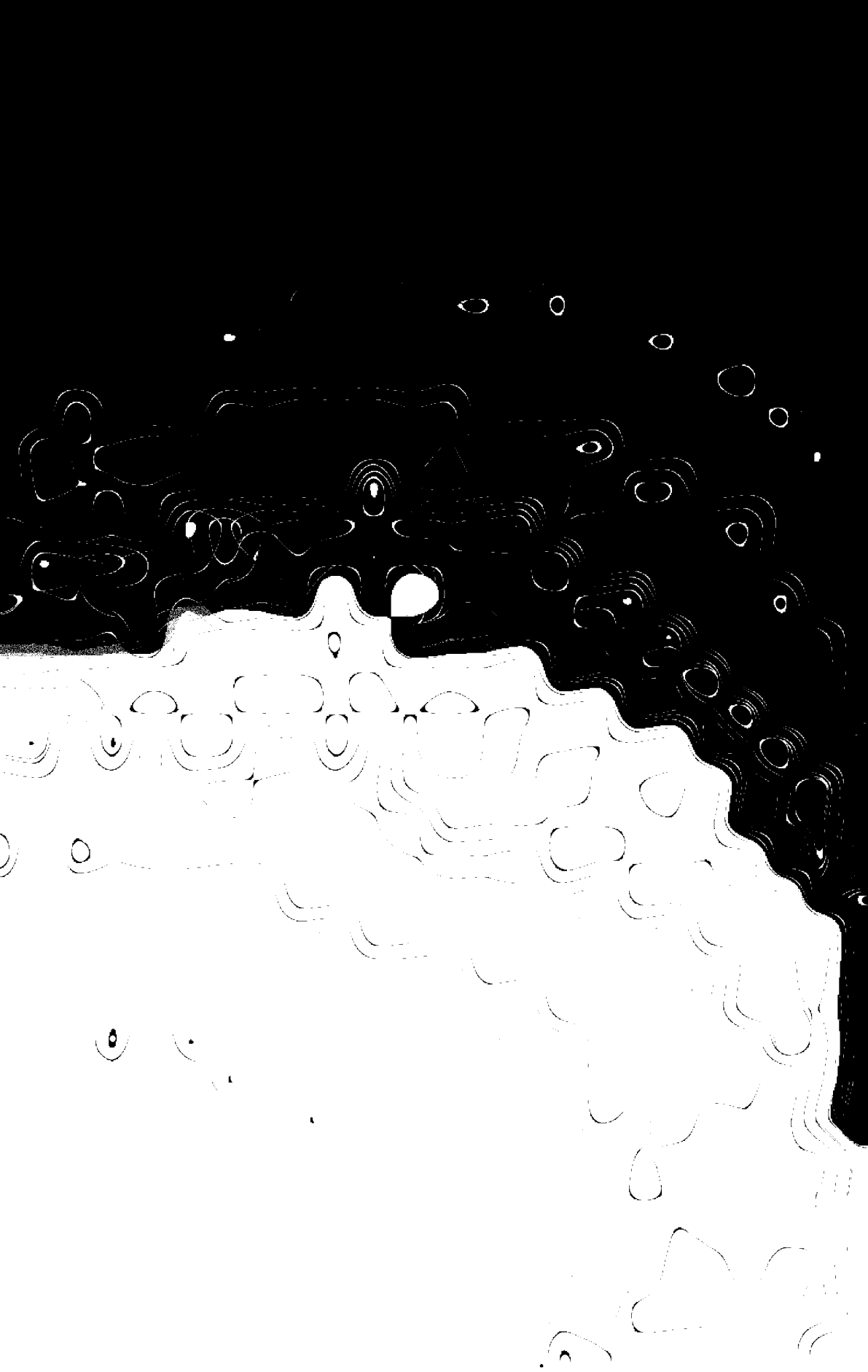

Index

Cases, proper names, and subjects are entered in this index. Each case is entered under the names of plaintiff and defendant. Lengthy headings sometimes are abbreviated. Garnishees are not named in the headings for actions initiated by attachment, but the garnishee designation is included under their names. Criminal actions and contempt proceedings are entered in the name of the Crown, although some of these may have been brought in the name of the proprietors.

Multiple cases bearing the same heading are distinguished by numerals enclosed in square brackets following the caption. A series of numerals indicating the number of such cases is enclosed in a single set of brackets if the actions have identical page references. Otherwise, each case is identified by a numeral set off in brackets and followed by the references pertinent to that case. Ambiguous citations of a case involving the same litigants are treated as separate cases. Case headings for appeals are cited as they appear in the documents, except when both the original action and the appeal appear in the volume; when this occurs, the appeal is entered in the index under the case heading of the court of first instance.

For indexing purposes, one spelling of each person's name has been selected from the most prevalent spelling occurring in the documents. Variant spellings of surnames are given in parentheses in the first entry under the name but not in subsequent entries. A cross-reference to the selected spelling is given under most variants of the surname. Cross-references are given between names known to refer to the same person, such as the maiden and married names of a woman, and between those thought, but with a degree of uncertainty, to be variants of the same name.

Modern spelling is used for place names unless the editor has been unable to identify the place, in which case the spelling is one occurring in the documents. Variant spellings, in parentheses, are given for place names. Cross-references to the spelling used in the entry are given under some variants of local place names but not those closely resembling the modern spelling. Subject entries are in modern spelling.

Cases, persons, and places were indexed by Mrs. Ruth Clow Langston, Donna Holmes Goswick, and Eleanor Hill Jordan. The subject index was prepared by Robert J. Cain.

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